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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4, OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

24 June 1946

(The Commission Convened at 1015 Hours.)

COMMISSIONER:

Capt. Joseph Tubridy

O. K. W.

LT. GENERAL HANS REINHARDT, a witness, took the stand an d testified as follows:

DIRECT EXAMINATION -- RESUMED

BY DR. LATERNSER:

Q General, I would like to ask you some questions concerning the Partisan warfare. Police General Von Dem Bach named you as one of the men who cooperated in this anti-partisan warfare.

A There was no cooperation by General of the Police Von Dem Bach, so far as this bandit warfare is concerned. However, I had quite a bit to do with the anti-partisan warfare within my territory.

Q When did these battles start?

A I had nothing to do until 1942 with larger bandit warfare. Only in 1942 when my Army sector was in Jassmar did my bandit warfare increase. In this sector the relation with the civilian population was good. There were battles going on in Jassmar, but not with the bandits, Rather, they were with the Russian Cavalry Corps

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Pielov that was still fighting in this vicinity. I did not participate in these battles.

Then, in the summer of 1942, there were larger bandit and partisan warfare in the rear of my army sector. That was between Dorogobush and Dnjeper. I did not have any troops to combat these partisans, and they were then combated by cossack units.

In January, 1943, when I took over the area northeast of the Vitebsk, I took over an area that was completely filled with partisans. Larger battles had already taken place in these areas. One of the main reasons why there was such a large extent of partisan warfare was that at the time I arrived there, there was still some connection between these partisans and the Russian units through the front lines, especially through the swamp forests, which was excellent fighting territory for these partisans. In these swamp forests there were frozen lakes, and the Russians used these lakes to land planes which were in constant liaison with the Russian units.

Q Did you have to participate in many anti-partisan actions?

A I had to carry out many anti-partisan actions because the pressure of these partisans upon us was very great. Not a night passed when some bridges were not blown up; that hundreds of telephone posts and wires were destroyed; even the underground cable structures were continually maimed. I personally was wounded on such a night. There was a great extent of destruction to railroads -- up to hundreds during the course of one night. There were attacks on line troop concentrations which were being moved, and attacks on entire villages. There were attacks on the peace loving population, as well as murder against this population; the burning down of their homes; the burning down of their reserves, their food; the robbing of all their supplies, and there were entire areas which were totally under the control

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of partisan groups which consisted of thousands of people. They were in complete control of all these areas and these partisans fought, against all international rights, without any uniform clothing, without any uniform insignia, and in the most brutal manner under the direction of these bandit orders which eventually fell into our hands. The losses we had were great, and among these losses was the red cross, medical companies, and medical trucks which were not spared from these Russians.

Q You spoke of the methods of fighting of these partisans. Can you give us some details, any special cruelties used by these partisans?

A I have to state that the bandit partisans obeyed their orders very well. They fought with the order: Treachery and Brutality. We had many cases of bestiality and brutality against German soldiers who fell into the hands of these partisans.

Q And what were these bestialities?

A Mutilations of all sorts. Soldiers were found with their eyes cut out, their private organs cut off, and various other things. And the partisan fought to the last in this valiant battle. Usually, we were only able to overcome them in close combat. It very often happened that he committed suicide or took the hand grenade which he carried on himself and blew himself and the German soldier who wanted to arrest him to bits.

Q You mentioned in your statements that there were Russian orders for these partisans. Did you see or hear of these orders personally, or has one of your men told you about them?

A I am sorry that this order is not here. I personally saw it and read it. In these orders it stated, among other things, that women and children were also to be used in this warfare, at least for reconnaissance duty, and that's what they did.

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also

Q Was this anti-partisan warfare/carried out harshly by your troops? Above all, were these battles carried out to exterminate Jews and the Slavic population?

A The bandit warfare was hard on both sides. However, I want to state right here that neither I or any of my commanders ever ordered any partisan or anti-partisan warfare for the extermination of the Jews or any Slavic population. We fought against these partisans through need and for our own security when we had to fight against them.

Q In other words, they were purely military reasons?

A Purely military reasons in order to remove the pressure which was upon us all the time..

Q You previously stated the result of this partisan warfare. Can you give us a more complete statement as to the result of this bandit or partisan warfare?

A What do you mean by this question?

Q You stated previously the actions of these bandits, for instance, the blasting of railroads, the cruelties against soldiers and civilians, and so on. Could you give us some examples as to the German supply lines which were endangered by any means?

A I had a sector which could not be supplied at all by the two roads leading directly up to the front. Also, behind the front lines, as I stated already, there were two large areas which were in complete control of these partisans. We knew, or heard, through intereception of radio messages, that Russian paratroops and air-borne troops were supposed to land in these sectors in cooperation with these Russian sectors. I was therefore forced to carry out large scale operations against these two areas. There were several divisions involved and I personally gave the order for this operation. The areas especially involved were Vitebsk and Polotzk.

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Q The Prosecution has presented a document which is an affidavit by General Haeussinger, No. 20, USA Exhibit ~~562~~ 564. General Haeussinger says in this one statement, paragraph 4, page 2, and I quote:

"It was always my personal opinion that the treatment of the civilian population in the operational area and the methods of the anti-partisan warfare in the operational area gave the highest military leaders a welcome opportunity to carry out their goals which is the systematic reduction of the Slavs and the Jews."

I want to ask you, in connection with this one statement, whether or not it was a welcome opportunity for the highest military leaders in their goal to reduce Slavs and Jews? You should know, since you were in command of an army group.

A I don't understand this statement of General Haeussinger. It was our policy to live in good relations with the civilian population, and every partisan behind the front was a pressure upon us. Our front sectors did not have enough forces and, I am sorry to say, we had to use troops which we could not spare from our front lines for these rear actions. I do not see what interest we should have had in the destruction of the Slavs or the Jews.

Q You knew of the order that no prisoners whatsoever were to be taken during these anti-partisan battles with the exception of Jews, agents and commissars, and that between 50 and 100 bandit partisans were to be shot for every German soldier killed.

A I do remember such orders, however I do not remember any orders saying that we were supposed to kill 50 to 100 partisans for every German killed.

Q You stated that you remember such orders. What kind of orders?

A If I remember correctly, there was one which stated that we were to treat these partisans extremely harshly, and to take no prisoners, but I cannot

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be sure about that. Anyhow, orders like that did not influence me in the least, because we were mostly interested in the fact that discipline of the troops be guarded. In other words, if such orders came to me, I am sure that I did not carry them out or pass them on.

Q Do you remember for certain that you received an order saying that no prisoners were to be taken in this partisan warfare?

A I read all those orders which were in the files, but I do not know whether or not they were actually sent to me. May I add something else to this phase of the questioning?

Q Yes.

A I already stated that within my army sector, the discipline of the troops was the main point. I very often ordered that soldierly conduct be carried out against these partisans. Wherever these orders were violated and I heard about it, I had these men punished severely. My soldiers very often did not understand these orders because within them lived a spirit of revenge against the bestiality which had been carried out against their comrades.

In addition to that, the large number of prisoners that we took during our partisan warfare proves that we did not kill everybody. During peaceful times, and especially during the large scale anti-partisan warfare, we carried out propaganda activities in these areas in order to get the civilian population on our side. This propaganda was more or less carried out through leaflets which were scattered by planes, and also by agents, and the results were very good.

Q General of the Police Von Dem Bach stated that there was a very large scale of confusion due to the fact that there were not sufficient orders and that due to this lack of orders, a great amount of civilian population was killed. Were there the same difficulties in your area of anti-partisan warfare?

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A No, in 1942 we received the orders from the O.K.H. concerning the anti-partisan warfare, and that was sufficient for us. In these orders we were told how to fight against these partisans, and if people who were not connected with them were killed during these battles, then it was not the fault of those who fought against these attacks, but the fault of the people who organized this bandit warfare.

In addition to that, the continued bombing attacks against Russian villages caused large civilian casualties, and I do not even want to talk about the German casulaties.

Q Who, in your area, was generally considered a partisan?

A We considered the partisan a person who was found with a weapon or a person that was found carrying out an act of sabotage. However, I want to make a statement that the fact that a person did not carry a weapon did not prove that he was not a partisan, because if I remember correctly, in this partisan order there was a statement that in case of danger, their weapons were supposed to be hidden or thrown away.

Q The Prosecution states that the civilian population was treated harshly and cruelly during the action in Pleskau. In order to prevent partisan activities, it was forbidden for civilians to go across any kind of railroads or railroad ties, to walk across fields and to go on the streets during darkness or after sundown. All violations of these orders were threatened by death. How did you guard the railroads in your areas?

A We guarded the railroads exactly as these orders stated, otherwise there was no possible way of safeguarding the railroads. The person who best can judge that is the person who lived trhough the many attacks that we had on our railroads and bridges. In addition to that, after the end of the war, there was an order in the town that I was living, an American order, which stated that any person

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found on the streets after sundown was threatened with death.

Q Were these sector forces for the railroads strong?

A These sector forces for our railroads were so weak that they, by themselves, could hardly do anything, and orders like this had to be given out in order to give us at least half-way security. If such an order is supposed to be against humanity, then I do not know what we are supposed to have done in this military crisis.

Q Orders like this, in other words, are vitally important from a military point of view?

A Yes, these orders were absolutely necessary and I believe that they are not against the rights or the rules of warfare.

MR. CONWAY: I would like to have the witness state what he means by "orders like this". Would you have him clarify what he means by "orders like this"?

DR. LATERNSER: He means the measures which I mentioned just now in these last questions.

CAPT. TUBRIDY: He would like to have the witness state what he means, ~~not the defense counsel~~ not counsel.

WITNESS: My statements are concerned with the order which was ~~gxx~~ given out near Pleskau.

BY DR. LATERNSER:

Q Now, a few questions concerning the commissar order. Did you know of the commissar order?

A Yes, I knew of it.

Q In what way and when did you receive knowledge of these orders? In what position were you at the time that you received these orders?

A I received this order during the march into the Eastern sector near Allenstein.

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I was not, at that time, a member of the army group, but Commanding General of the 41st Armored Corps.

Q Did you receive this order in written form?

A Yes, I had a written copy of it -- a printed copy.

Q What was your personal opinion concerning this order?

A I did not agree with this order. In a conference in Allenstein, I stated to General Hoeppner, the leader of my armored group, my ideas against such an order. I believe that General Von Mannstein, who was in charge of the other armored corps in that group, made the same objection. General Hoeppner agreed with us and he stated that he would protest against such an order.

Q What was the result of this protest of General Hoeppner?

A It was without any result. The protest was turned down.

Q What did you do when this protest was refused or turned down?

A The two commanding generals of my armored corps, that is, the two division generals, had also received this commissar order directly. They were of the same opinion as I. During a conversation with these two division commanding generals, I ordered that this order was not to be carried out, and that is what actually happened.

Q Do you remember who these two commanding generals were?

A One was the General of the Armored Troops, Kirchner, at that time Commander in Chief of the 1st Armored Division, and the other was General Landgraf, Commander in Chief of the 6th Armored Division. He is dead now.

Q Did this commissar order have any importance later on?

A No, not in my section. I believe that the whole thing was very soon forgotten.

Q General, did you, as Commanding General, speak with other Commanders in Chief at that time concerning this particular order?

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A I cannot remember.

Q And now, a few questions concerning destruction.

Did you, during your advance in 1941, see large destruction within the country? In order that this question be clarified, I am speaking about the Eastern campaign.

A Yes, I met a lot of destruction on a very large scale, and I am talking about destruction which was carried out purposely by the Russians, according to the order which was to leave a "scorched earth."

Q Can you give us any specific examples concerning this destruction?

A Destroyed were all larger bridges, larger railroad and street bridges; destroyed were all railroad facilities, stations, watering points for locomotives, and all switches; destroyed or taken away were all factories and industrial establishments. In addition to this, shelters were burned to a very large extent. I heard of one example, for instance -- I personally did not participate in this action, however I heard it from one of the Commanding Generals who participated in that battle as an Adjutant and he told me about it -- during the occupation of Vitebsk, there were young commandos burning down the city, and to the very big surprise of the troops, the older people of the city were against this burning down.

MR. CONWAY: Don't you think this is a bit far afield? I don't see the point of this.

CAPT. TUBRIDY: I raised the same point the other day. The reason is that the German forces are accused of demolishing buildings and their reason is that they were being demolished by the "scorched earth" policy of the Russians.

BY DR. LATERNSER:

Q Do you know any examples from Jakobstadt, Kalini and Pleskau?

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A I personally went through Jakobstadt and Pleskau during the attack with my armored corps, and found both towns in flames, as well as Kalini.

Q Were these towns fired by artillery or could it only have been that they started to burn through the systematic setting of fires?

A I am convinced that they were set afire.

Q How about the reserve stocks of the country?

A All reserves and stocks were either taken away before we came or they were destroyed to a very large extent.

Q What can you tell me concerning the destruction which the German troops are being accused of in the Russian indictment?

A Part of this destruction, as I have already stated, was the work of the Russians themselves during their retreat. In addition to that, large numbers of Russian shelters and homes were burned down, either during the campaign or afterwards during Russian bombing attacks. I want to state, in this connection, in one town only one home was burning and when they left the entire village went up in flames.

Q Did you live through any Russian air attacks in Klien?

A I lived through very many bombing attacks of the Russians in Klien and Viassma, the vicinity of which I had my staff headquarters for a while.

Q And during these bombing attacks, very large destruction was caused in these villages and towns?

A In these bombing attacks, large sections of houses were destroyed, and there were a large number of casualties among our own troops and the civilian population.

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Q In Vitebsk, 4 churches were supposed to be destroyed by German soldiers and one was supposed to have been demolished. Is that correct?

A I know Vitebsk quite well, and I found there only 1 church in which we continually had services, and another church which was damaged but we had services there anyhow. Otherwise, I believe that all the other churches in Vitebsk were already destroyed when we got there, but not by us.

Q You mentioned before the City of Klien. What can you say concerning the destruction of the Tchaikowsky Museum?

A I do not know anything about the destruction of theTchaikowsky Museum. I did not even know of a Tchaikowsky Museum in that town. In addition to that, the situation around Klien in the days of December, 1941, was so critical that we did not have a chance to concern ourselves with the Tchaikowsky Museum. We went through Klien and the Moskwa Canal, which is Northeast of Moscow, and during the Russian counter-offensive, we were cut off, which means that when we were in Klien we were cut off from all our other units. We then defended Klien against Russian attacks. Klein was again subject to bombing attacks, and we fought our way back to our own lines. If the Tchaikowsky Museum in Klien was destroyed, then it was due to the results of this battle. At least any person who can judge in any way our position in Klien at that time could very well suppose that it was not important for us to concern ourselves with the Tchaikowsky Museum at that time.

Q There was never an order to destroy the Tchaikowsky Museum in Klien?

CAPTAIN GRISCHOV: If I understood the question correctly, I would like to say here that documentary evidence has already been presented to the Tribunal as proof that the destruction of the Museum had been ordered, and by whom it had been ordered, and I would like to ask concerning that document, whether or not you know of the presentation of this document?

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CAPT. TUBRIDY: I would like to explain that this is the defense apparently opposing that document. The Russian Prosecution will be able to question the witness later ~~In order to explain~~ on this part of the testimony if it is desired.

BY DR. LATERNSER:

Q I ask you now, and I wish you would answer my question, was any order given for the destruction of this Museum?

A I know of no order which has been issued to destroy this Museum. I personally did not issue such an order.

Q Did you have any planned destruction carried out during your retreat?

A In the spring of 1943, in the northeast of Vitebsk, I participated in the last retreat of the Army Group Middle, and for this retreat, destructions were ordered from above.

Q What was your opinion concerning this order?

A A large number of the destruction which we had to carry out was a military necessity. I did not agree with the order that we were supposed to destroy all Russian homes and shelters.

Q Did you then carry out this order as it had been given?

A I had the destruction carried out with the exception of the destruction of the homes and shelters. After thorough consideration of these matters, I took it upon myself not to have these destructions carried out. They were, in my opinion, not necessary in my area.

Q In other words, you only had these destructions carried out which you considered vitally important for military security?

A Yes.

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Q In other words, by not carrying out this order you were disobedient?

A I believe that I could take the responsibility upon myself not to have this order carried out since it was not necessary, militarily, in my sector.

Q In other words, the villages, in your retreat towards Vitebsk, were left unharmed?

A I gave an order that the homes which were 5 kilometers from our planned front lines were to be destroyed. In other words, within the battle area where these homes or shelters would have been on military sectors. The other shelters were destroyed more or less during our retreat battles, since the retreat was mostly on streets and roads. This was a very swampy area and for that reason there were times when severe campaigns for some of these villages were fought where these roads met. During these battles, a number of villages were fired through battle.

Q Was the Soviet Russian airforce also used against these villages?

A It was the duty of the Russian airforce to direct most of their fighting during our retreat to streets and villages.

Q What other destructions did you have carried out?

A We destroyed, according to orders, all bridges or railroad material which had been rebuilt by the Germans, and we carried off, as far as possible, all factories which also had been rebuilt by the Germans. And, as much as we could, we tried to carry away most of the supplies and stocks. In other words, we tried to do the same thing as the Russiands did before our advance in 1941. In addition to that, the British and Belgians destroyed bridges too to a large extent as they retreated. I considered all these destructions as a military necessity, and that was given from above, it was ordered from above.

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DR. LATERNSER: Mr. President, I have just finished a phase of questioning, and I wonder if we could not take a short pause now?

CAPT. TUBRIDY: We will recess now for 10 minutes.

(A recess was taken.)

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Q I have one further question concerning the last group. Were the following cities within your Command Section: Denidoff, Welish and Swasch? If so, what was the reason for retreating or evacuating these cities in a rather destroyed condition?

A Very heavy fights took place in January of 1942 for all three places. My mission at that time was to retake Swasch and to liberate the troops that had been encircled in Welisch; the same applies to Denidoff. In very heavy battles we were successful in doing so. Then further severe fighting took place for these towns, especially around Welish. Denidoff and Swascl were at a later date attacked by air raids. I myself was in these places several times; they had been destroyed by battle even before we had evacuated them.

Q Did these places frequently or several times change hands?

A As far as Welish was concerned, yes, and Denidoff also changed hands several times.

Q I should now like to ask a few questions concerning the treatment of the civilian population in occupied territories. What was the effect of Hitler's orders that in general violations carried on by the soldiers against the civilian population were not to be punished and the relationship between the troops and the civilian population?

A In general the relationship to the civilian population was a good one. We respected it and recognized the will of the civilian population to work, their reserve towards us and also their modesty and I believe that the civilian population noticed that they found peace under my legal protection. I should like to give Tsask as an example of the good relationship between the troops and the civilian population. According to the material submitted by the Prosecution, serious violations are supposed to have occurred in Tsask.

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DR. LATERNSER: If I may interrupt, the violations that witness refers to now are found on pages 4830 and 4842 of the German text of the record.

A This is in complete contradiction to the experience which I am now going to depict. On the anniversary of the taking of Tsask by German troops, the civilian population made a big celebration and to this celebration the troops in Tsask were invited as well as the commander of the division and other officers. I was given by the Mayor of this town, in the name of the population of Tsask, a note of thanks or gratitude, which I was to pass on to Hitler.

Q How did you help the population?

A We helped the population in many respects. After the retreating Russians had destroyed the stores of the civilian population the population left almost everything. We gave them the small trifles of every day life; where they lacked food they were helped in this respect; we increased food rations as rewards; we had to rebuild medical service; we equipped hospitals under German supervision but employing Russian doctors and Russian assistants; we distributed pasturage and acres to the population; we gave them seed and we gave them breeding stock; we gave their religious freedom back to them; we equipped churches as far as the churches could still be used for religious services; we installed or reinstated Russian Mayors everywhere; we instituted a Russian Order Police system so that as far as the police system was concerned the population was under Russian jurisdiction. In Wrasma we repaired the theatre that had been heavily damaged and put it to use again. In Wrasma and Witebsk we equipped large cinemas. The civilian population was allowed to attend these showings in the cinemas. We formed a Russian orchestra that also played for the civilian population on different occasions, and so on.

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Q What was the legal protection given to the population?

A I already testified that discipline was the highest objective in my armored division and as far as this discipline was concerned I proceeded against and punished any violations that occurred on the part of my soldiers against civilian population contrary to and with no regard for the Hitler Order. Especially important cases of violations were written up in a report and issued to the troops and made known to every soldier down to the lowest private. The population knew and the soldiers knew that if any of them carried out any offences they would be punished. And the population also knew that as far as was possible they would be protected against partisans.

Q Then you mean to say that Hitler's Order, which we mentioned in one of the previous questions, was not put into effect in your district?

A In no way.

Q Did the population have to carry out heavy work for the army?

A Yes. But I do not believe that this work was any more difficult than that which the German population had to carry on at home amongst their ruins. The general work with which the population was charged was road construction, bridge construction, and, very far behind the lines, fortification construction. In winter, of course, they had to see to keeping the roads free from snow.

Q Do you mean to say that this fortification construction ~~wx~~ which was carried on behind the lines was carried on outside the reach of fire?

A Yes, of course.

Q And now a few questions concerning treatment of prisoners of war. Were any special orders issued concerning the treatment of prisoners?

A As far as the prisoner system was concerned, we in the operational sector had nothing to do with it. We took prisoners and then handed them over to the

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competent authorities. Within our area we kept relatively few prisoners. We used these prisoners to help in the administration, to help with the building and construction, and one company of prisoners each was assigned to Divisions. We had nothing to do with the prisoner camps.

CAPTAIN TUBRIDY: Who were these "competent authorities" to whom you handed over the prisoners.

A. The Army Groups.

Q DR. LATERNSER You mean to say, then, that the prisoners that were taken were within the area of an army for only a short time, or temporarily?

A Only temporarily. We were glad to be rid of them because we did not have sufficient personnel to handle them and such personnel was lost as far as front duty was concerned.

Q You just said in answer to the question to whom were they handed over that the prisoners were handed over by you to the Army Groups?

A Yes.

Q Were the prisoners handed over to the army groups supposed to stay with the army group or did the army group in its turn hand over the prisoners to other authorities?

A These prisoners were handed on to other authorities, towards the rear.

Q Then you mean to say that the prisoners remained with the army group also only temporarily?

A Yes.

Q And to whom did the army group hand over the prisoners.

A I do not know exactly. I believe there was a special organization as far as the prisoners were concerned, and this organization was not under the command of the army group.

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Q And the prisoner collecting camps were under the command of this organization, which you do not know exactly what it was?

A Yes.

Q Was it customary for prisoners who had been taken by the army to be handed over to the army group, or was there not a time when the army handed over its prisoners directly to this organization?

A That was the case later on.

Q I only wanted to suggest this to you because the Army Group was an operational staff and did not have troops of its own at its disposal. Is that not right?

A That is correct, as such, but considering the gigantic numbers of prisoners that we took during these first battles, the Army Group had to help us to digest these prisoners.

Q Was the aid of the Army Group made use of only because of these general circumstances and conditions, or had special instructions been given to this effect?

A As far as I know, the assistance was only a help given us by the Army Group but was not work that had been instructed to be carried out by higher authorities.

Q Then the normal pathway of a prisoner would be from the army that took him prisoner, directly to the organization under whose jurisdiction the camps were. Is that correct?

A Yes.

Q Do you know, witness, that many Russian prisoners died?

A Yes.

Q Do you know that of your own knowledge or have you heard of this?

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A I took part in the Wrasma Battle. During the time of the Wrasma Battle we took several hundred thousand prisoners within a few days. No army can handle such an enormous number of prisoners without casualties and that, in my opinion, is the explanation that a number of prisoners died. First of all there was a lack of housing, the houses had been partly destroyed, as I said before. Secondly, it was impossible to have made sufficient preparations for this mass of men. It was absolutely impossible to prepare camps for such a mass of people and food for such masses was also impossible. First of all, the stores within the country had been destroyed; the transport system had been destroyed so that any supplies for these masses of prisoners could only be carried out with difficulties from Germany, or was impossible. Another thing, the mass of prisoners was half-starved when they fell into our hands for even prior to his being taken a prisoner the Russian had suffered from very great want. Besides, German troops also had to starve at that time. Because there were no transport facilities it was impossible to transport or remove these huge masses toward behind the lines and because the few roads and bridges that had been repaired were needed for our reinforcements and supplies.

Q Why were there no railways?

A They had been completely destroyed by the Russians upon retreat.

Q And therefore they had to be repaired and the guage had to be reset?

A Resetting the tracks was the easier part of the task but repairing the bridges and stations was a gigantic undertaking.

Q The Prosecution maintains the many Russian prisoners froze to death/

A That too may be correct, because of a lack of any housing at all for such masses of people. A large number of German soldiers also froze to death

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during the severe winter.

Q What about the general health of the Russians?

A I already testified that the physical condition of the Russians when taken prisoners was on the whole bad, because of hunger. Moreover, the section of the Army Group Center was badly hit by spotted fever and these weak Russians of course were especially susceptible to all diseases. But I do know that as far as was possible we used our own doctors to help.

Q Was everything possible done to alleviate the conditions, that is, as far as the means were concerned that the commanders had at their disposal?

A We helped wherever we could.

Q Did conditions for these prisoners improve afterwards?

A The conditions improved greatly afterwards. The prisoners with our troops were treated well. The prisoners within our army sector, who were relatively few in number, were taken care of in every respect. The best proof of this fact that the prisoners felt at home with our troops was that on the retreat they retreated with us, they did not escape when possibility for escape was given to them and they even fought with us during battles.

Q I should now like to ask a few questions concerning Warsaw. General of Police, v. dem Bach, testified concerning the uprising in Warasw the summer of 1944, that the army authorities also were held responsible concerning the violations that occurred in Warsaw at that time. Are you able to give any information on this question?

A Yes. Warsaw was in the sector of my Army Group Center which I commanded at that time.

Q Did you, as Commander-in-Chief of Army Group Center give any orders for the suppression of this uprising?

COM. A.
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A I took over this Army Group on 16 August 1944 and at this time the fight against the Warsaw uprising was already in full swing. von dem Bach was not under the command of the Army Group, though, as far as the battle in Warsaw was concerned, but he was under the immediate jurisdiction of the Reichsfuehrer-SS and he had received his orders from him concerning the suppression of this uprising.

Q Did the 9th Army also belong to your Army Group?

A Yes.

Q What was the mission of this 9th Army in Warsaw?

A Warsaw was situated within the inner area of this Army.

Q Was this 9th Army interested in the early suppression of this revolt in Warsaw?

A The 9th Army as well as myself were especially interested in the suppression of this revolt as far as the Army Group was concerned for the Russian attack was pressing on Warsaw from the East and it was only a matter of time until the Russians would have reached the Weichsel near Warsaw. Therefore we had a special great interest in seeing that the revolt or uprising in Warsaw was suppressed as soon as possible. As far as the battle situation in the remaining front admitted, I met von dem Bach in Warsaw. I had previously heard through the 9th Army that atrocities had been committed in Warsaw. I had no right to interfere here but as far as I was concerned that was not necessary and I would have interfered anyway. The SS Brigade Kaminsky, which consisted entirely of Russians, was already being withdrawn from Warsaw because this brigade had committed the atrocities. Kaminsky and other leaders who had had a hand in these atrocities were placed before a tribunal and shot. The suffering of the Warsaw refugees was being attended to in a really exemplary

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fashion by a camp that had been instituted within the 9th Army by the SS leadership but with the help of the army. This camp was at any time accessible to the Polish Red Cross and to International Commissions who were present there. The 9th Army and I, therefore, only took action in the battle in Warsaw in so far as our own position at the front allowed us to do so. That is we instructed von dem Bach in Warsaw to conduct his battle in such a fashion that if possible at a very early date the western bank of the Weichsel would fall into our hands because our forces had to build a fortification or a defense position on this bank of the Weichsel.

Q How did the fight for Warsaw end?

A At the conference that took place in Warsaw between von dem Bach, myself and leader of the 9th Division, we decided that the best way of ending this would be to capitulate if only to save unnecessary deaths. This decision was transmitted by von dem Bach to his official authorities and by myself to my superior, Guderian. Soon afterwards a capitulation conference and negotiations were started. The negotiations for capitulation which were led by higher authorities were then sent to General Bor, signed by myself. At first General Bor unfortunately refused although he had been assured from the very beginning that all his insurgents would be treated as soldiers. Then very soon afterwards the capitulation did take place of the remaining insurgents and these insurgents were removed as prisoners of war under the command of General Bor and his chiefs.

Q In order not to create any misunderstanding, does your testimony concerning the Warsaw capitulation refer only to September 1944?

A I do not understand how you mean.

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Q I mean that Warsaw capitulated once before, within the Polish Command, in 1939. I just wanted to have it quite clear on the record that you refer only to 1944.

A That is quite clear.

Q Is it correct that General von dem Bach was given the Knight's Cross for his suppression of the revolt in Warsaw?

A Yes.

Q von dem Bach maintained here, during interrogation, that this decoration was given him by the Army. Is that correct.

A That testimony is not correct. von dem Bach's decoration of the Knight's Cross came as a complete surprise to me. I neither handed in his name for this decoration nor was I asked concerning it.

Q After the end of active fighting in Warsaw the city was to be destroyed entirely. Who issued this order?

A This order was handed directly through the Reichsfuehrer-SS to General von dem Bach. I had nothing to do with this order.

Q Did any office of the army whatsoever have any hand in this order?

A Certainly not the Army nor the Army Groups.

Q Can you give information as to how the destruction of Warsaw took place?

A Seen from a military point we were not at all interested in this destruction. On the contrary, we interfered and tried to see to it that this city, which was already badly destroyed, would remain as it was to offer cover and shelter for our troops. Whatever was destroyed in Warsaw was then destroyed by blasting commandos under the command of General von dem Bach. I do not believe that very much was destroyed for very soon afterward the front had moved up to the Weichsel and Warsaw was in the range of Russian

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artillery fire so that the blasting commandos could not have done very much more in Warsaw. I do know that the commander of the 9th Army had given instructions to his army and his troops that lootings and plunderings by soldiers were to be prohibited.

Q And now a few general questions. What is your attitude concerning the question of duty of obedience of a soldier?

A I am an officer from the time of the Kaiser. As far as I myself am concerned, discipline and obedience is considered by me above everything for a soldier. I am of the opinion that no soldiering done, as such, is possible in any country without absolute obedience, and I know that this is the same practice in other armies. I spoke on this question with several Russian officers who had been my pupils for two years and who admitted and confirmed this attitude in every way.

Q Did this, your conviction, give you any difficulties during the war, above all as far as orders were concerned which in your opinion were not quite proper?

A We had been trained that our obedience was to extend only so far that it did not ask of us to commit any illegal offences. An added difficulty during the war was that as such, orders as had been issued by Hitler were legal, by an act of the Reichstag. Another difficulty was that International Law left a great number of doubts and loopholes concerning the waging of war.

Q What means did you have at your disposal to oppose orders with which you did not agree?

A I shall have to distinguish here between orders that led to conflict with International Law and those with purely tactical conflicts. As far as orders

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were concerned that might lead us to difficulties as far as International Law was concerned, von Brauchitsch Order helped us. That order said that discipline of the soldier was to be placed above everything and that is the method I used to disregard such orders. As far as the many orders were concerned which led to tactical military difficulties and commanded faulty leadership rights, we had to decide ourselves within our own inner conscience as to the steps we were going to take. We all had to carry out severe struggles concerning obedience duty and responsibility. I believe I am qualified, as the Commander-in-Chief who was at the East for the greatest length of time, to give particular special testimony about this.

Q If you wanted to raise any objection to any order was it possible for you, as commander- in-chief of an Army, to ask for a personal interview with Hitler, or what channels did you have to apply to in order to make your opposition known?

A I raised objections repeatedly, orally and in writing, and made other suggestions, but always with the Commander-in-Chief of my Army Group. It was not possible for me to apply directly to the O.K.H. or to the Fuehrer.

Q That is to say you had to adhere to the official channels?

A Yes, to the official channels, that is to my commanding officer of the Army Group.

Q What success did any such oppositions have?

A Very often General Kluger and General Busch, my two commanding officers, interceded or approved my orders, and handed them on. Once in a while my suggestions were successful but very often they were pushed aside.

H0975-0029

Q If such orders which in your opinion were incorrect were never-the-less sustained, did they frequently lead to the mis-success of being carried out?

A Yes, we might have been able to avoid many of such mis-successes.

Q Did such unsuccessful operations not convince Hitler for the better in later cases?

A No, for then the very worst thing occurred, that is we were suspected.

Q That is, the fault was always looked for with the General?

A Yes, I might add here that considering the Russian Offensive in the summer of 1944 that was just at hand, we wanted to shorten our front line. This viewpoint which was presented by myself and also by the commander in chief of the army group, was rejected. What we had predicted did really happen, when parts of the jutting out positions were cut off and lost later. The effect of this was that two days after this unsuccessful operation Busch was recalled and that Court Martial was instituted against the leaders of the Army Groups and the generals who had been taken prisoners because of intentionally carrying out treason. These proceedings were after a short time broken off as entirely without basis.

Q How did Hitler happen to arrive at this attitude concerning his generals?

A His mistrust towards the generals increased during the war tremendously. He maintained that we always opposed him, we were considered pessimists and weak people, leaders who did not lead boldly enough. Everyone will realize what that meant for us. He was strengthened in his mistrust by people who were irresponsible, and without proper knowledge.

Q To which circles did these incompetent advisers of his belong?

A They were Party members.

Q How were you able to bring such positions and your contradicting attitudes into accord?

H0975-0030

A After the final decision against us there were no further means at our disposal. It was out of the question that I should refuse to accept responsibility; for one thing I considered it unsoldierly and for another thing it would have availed nothing. It was forbidden to report as being ill. That would have been considered cowardice and desertion. Besides, as far as my soldiers were concerned I would have considered this treason towards them because they too were not allowed to report as being ill if something did not suit them. The only measure left was to ask for dismissal from one's post but even that was not possible. The Fuehrer had given express orders that he alone would decide for what length of time anyone would remain in office. In spite of this I asked for my dismissal while I was at the East not once but several times without any consideration of the consequences that might result. If I remained in office in spite of this, this was due to the Commander-in-Chief of my Army Group. The conversation that I had with Field Marshal Kluge at that time, after one such incident, will probably give the best example of what I mean. Field Marshal von Kluge said to me "You have my full confidence, your troops trust you. If you leave now there will be a new commander-inchief and he will probably be a man your troops do not trust because they do not know him, and probably a man who is more comfortable as far as higher authorities are concerned." Therefore I remained until I was discharged in January 1945.

Q Did not Hitler himself set an example of how such a commander was to be treated a short time after the beginning of the campaign by the dismissal of Hopppner?

A The Hopppner case was the first one where a commander-in-chief was discharged, accused and sentenced.

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Q What were the reasons at that time for this blackening of his name?

A I do not know the details. It was because he had disobeyed an order that had been issued to him.

Q And what were the results, the consequences that Hoeppner had to sustain?

A A sentence passed by court martial, discharge from the army, and persecution for his family.

Q All your testimony leads to the conclusion that conditions might have been changed if it had been possible to eject Hitler.

A Yes.

Q And when would the position have been expedient for such an act?

A After Stalingrad.

Q Are you of the opinion that by united action of the highest military leaders Hitler might have been forced to abdicate?

A I consider it impossible that the Fuehrer would have let himself be forced to do so.

Q And you do not think that he could have been convinced of any better attitude, I mean by a united action of the highest military leaders?

A No.

Q There are two further subjects I should like to discuss with you. The Prosecution has submitted an Affidavit No. 1, USA 531, given by General Halder and in the last paragraph of this affidavit General Halder says the formation and composition of this organization is shown by the accompanying sketch. I would like to submit this sketch to you and then ask you a few questions concerning it. This sketch is part of the Exhibit USA 531 which I have just mentioned.

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(Document handed to witness.)

DR. KEMPNER: The question comes up whether the witness was a member of that Group at that time.

CAPTAIN TUBRIDY: Did you qualify that the witness is competent to testify to the correctness of that sketch?

DR. LATERNSER: I asked the witness at the beginning of the Interrogation if he was and he answered in the affirmative. As the previous commander-in-chief of an Army and an Army Group, he is a member of the group.

CAPTAIN TUBRIDY: Of what does the sketch consist?

DR. LATERNSER: This sketch is concerning the composition of the highest military leadership group.

CAPTAIN TUBRIDY: I think the witness may give testimony regarding that.

BY DR. LATERNSER:

Q Will you please tell the Commission in whichrespect this sketch is incorrect?

A The sketch is incorrect in so far as Keitel has been presented here as being the superior of the three branches of the army. The commanders-in-chief of the three army branches were under the immediate command of the Fuehrer and not under Keitel.

Q You would say then that the sketch is wrong?

A Yes, it is wrong.

CAPTAIN TUBRIDY: In that respect.

DR. LATERNSER: Yes, in that respect.

Q Concerning this sketch which I have just showed to you, General Halder says in his last sentence that these military leaders represented the actual General Staff and Supreme Leadership of the German Army. Is it, in your opinion,

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correct if Halder designates these people as the actual General Staff?

A This sketch represents the highest military leaders but has nothing to do with the General Staff.

Q In order to be quite clear on this point, what is meant by the General Staff?

A The General Staff consists of the leadership assistants and their respective commanders.

CAPTAIN TUBRIDY: Dr. Latennser, don't we have official German documents as to what the General Staff consists of and if so, I think testimony by this witness would be unnecessary on that point.

DR. LATERNSER: Very well.

(A recess was taken until 1400 hours.)

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(THE COMMISSION CONVENED AT 1400 HOURS.)

DIRECT EXAMINATION * RESUMED.

BY DR. LATERNSER:

Q The prosecution in its case against the General Staff has presented Affidavit No. 2, U. S. 532. It is an affidavit signed by Field Marshall Von Brauchitsch. I quote from page 2: "The organization and the chain of command of the organization is as on the enclosed sketch."

(THE WITNESS IS HANDED THE DOCUMENT.)

General, I want to show you this sketch and I want to ask you whether the organizations on the sketch of the highest military leaders is correct.

A The same mistake is in this sketch as was in the sketch which was presented to me this morning from the affidavit of General Halder.

Q General Von Brauchitsch designates in the last paragraph of this affidavit the highest military leaders as a group. In connection with this designation, I should like to ask you the following questions: Is it true what the prosecution states in its indictment that the highest military leaders form a group or organization and that the goal of this group was to bring about an aggressive war and the aggressive war was determined not to guard the international rights?

A No, that is not correct.

Q I have no further questions.

CROSS EXAMINATION.

BY DR. KEMPNER:

Q You were in two periods as a teacher at the Military Academy. Is that correct?

A Only four years as a teacher and four years as chief of the army training

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program.

Q From 1927 to 1931?

A Yes as a teacher.

Q The second time was from 1933 to 1937? Is this correct?

A Yes.

Q In other words you have very complete information concerning the military training?

A Yes.

Q Where was the school located where you ~~taught~~ taught?

A It was in the O.K.H. Building in Berlin and a part of the army training program.

Q Where was it located in Berlin?

A It was in the building of the OKH in Berlin in the Bendlerstrasse.

Q The means at your disposal were very limited and primitive. Is that correct?

A Yes, they were limited just like everything in connection with the Reichs army at that time.

Q That was due to the Versailles treaty. Is that correct?

A Yes.

Q Pretty bad situation, was it not?

A To what extent?

Q From a prosperity point for the job.

A Yes, it was limited.

Q It was one of the restrictions of the Versailles Treaty which you considered unfair. Is that correct?

H0975-0036

A The leadership aide training was allowed, was it not?

Q I asked you a question, please answer it.

A I said that the training of leadership aides was allowed.

Q In other words you want to say that was enough for Germany what was done at that time?

A Yes for the 100,000 men army.

Q Did you regard the 100,000 men army as enough?

A No.

Q You wanted a larger army, is that right?

A Yes.

Q To secure better training possibilities?

A The training in the 100,000 man army was excellent.

Q Yes. I would speak about the training, that would have been necessary for a large army. In 1933, we turn to the training program is that right?

A Yes.

Q From then on it developed pretty well, is that correct?

A Yes.

Q It was due to the changed political situation, is that correct?

A Yes.

Q You have to thank the Fuehrer for that?

A Yes, the larger army.

Q I would like to know from you what differences you welcomed most, what changes. I mean between the dates of 1927 to 1931 and 1933 to 1937.

A The enlargement of the army and equipment with modern weapons.

Q What were the modern weapons?

H0975-0037

A Armored vehicles, heavy equipment and anti-tank artillery.

Q Was the whole system psychologically speaking entirely different?

A Yes. While we had the 100,000 men army, we considered that army totally insufficient for the protection of Germany, especially considering our well armed neighbors.

Q Then later on it was a joy to be a soldier. Is that correct?

A Yes, I felt the same way as every other officers the need for an enlargement of the army.

Q That was not only your own personal feeling, but also of your comrades?

A Yes.

Q You talked of it quite often?

A Yes.

Q You spoke with many of your comrades of the General Staff concerning this?

A Also.

Q You were a member of the Schliefen society. Is that correct?

A Yes.

Q And the men of the Schliefen Society always stuck together and had the same ideas. Were these the same gentlemen that talked to you about this?

A We were comrades from the first World war. We met once a year on Schliefen's birthday and after this dinner we had a meeting. There was very little connection.

Q How many general staff officers in the course of the years went through your hands?

H0975 - 0038

A I had about twenty students every year. There was not quite 100 in the four years.

Q In other words you had about 100 students from 1933 to 1937?

A From 1927 to 1931 there were not quite 100 students.

Q From 1933 to 1937?

A I did not have any students at that time. I was chief of the army training system and I only had my working staff.

Q Do you know as chief of the army training system how many had that kind of training in the four years? I mean the General Staff training.

A It was about the same every year.

Q There were more between 1933 and 1937 than there were between 1927 and 1931. How many more?

A There were more, but I do not know exactly how many more. I had nothing to do with this training.

Q Would you say twice as many or 50% more?

A I would say about 50% more, but I do not know exactly.

Q Were these officers that went to the War Academy and received this training something special, which other officers were not?

A It was a selection of officers which later on showed they were very well selected, according to character, training and general attitude.

Q The persons were selected as to their character, point of view, etc. Is that correct?

A Yes.

Q And you people had special traditions. Is that correct?

H0975-0039

A Yes.

Q They were proud they reached their goal of taking general staff officer's training?

A Yes.

Q Am I correct when I saying a person was not elected or named to the general staff, but one was selected or grew into it?

A That is correct.

Q Traditions, training and the elite were the special order.

A Yes, they were supposed to be the best officers of the year.

Q The best officers from the entire army?

A Yes.

Q Did you, as one of the chiefs of the army training system, follow the career of your students?

A Yes.

Q You were naturally interested?

A Yes.

Q Did all these men amount to something special?

A Most of them, yes.

Q Would you say the big majority?

A About two-thirds.

Q You can meet them all over in the key positions, is that correct?

A Yes, they were represented in all the general staff positions.

Q They were the people who had the key positions, they did not stay at the bottom, is that correct?

H0975-0040

A Yes.

Q Now we will go to another part and I will be quite scientific with you. Between the years of 1927 to 1931 were there any National Socialistic teachings in the general staff school?

A There were no National Socialistic teaching between 1927 and1931.

Q Then came the so-called change?

A Yes.

Q Who spoke to the officers at that time.

A I do not know because I did not have anything to do with the training any more.

Q But, you were in charge of the army training system, were you not?

A Yes.

Q Did the party get in touch with you so that National Socialistic teaching would be taught in the General Staff School in the organizations under you?

A I had nothing to do with the speeches that we had before the military academy later on.

Q But you knew they were being held?

A Yes as I heard some.

Q Whom do you remember for instance? Do you remember Ley or Goebbles?

A I remember Goebbles. I do not know Ley.

Q Goering

A XXXX I don't know.

Q Hess

A Yes.

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Q Hoenfeldt?

A Yes.

Q Rosenberg?

A I don't know.

Q Whom else do you know?

A I have no specific information concerning the military academy. I remember these, but I do not know if the Prosecutor is speaking of the speaches in the Reichs Building which was held for the entire officers staff.

Q Your officers were in the Bendlerstrasse. Was that the headquarters of the German Army at Bendlerstrasse?

A Yes.

Q Who spoke there?

A There was actually one speech a week there.

Q Who spoke there?

A Various men spoke there.

Q Goering?

A Yes.

Q Goebbles?

A Yes and Himmler, Hess and Mrs. Scholtzklink.

Q Who was Mrs. Scholtzklink?

A The Reichs woman leader.

Q Rosenberg?

A Yes.

Q Saukel?

A I don't know.

Q Speer?

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A No.

Q Frick?

A I don't know.

Q Whom of the prominent Nazi members do you remember?

A I think I named them all that I remember.

Q Did these people tell you that the German army had to become more National Socialistic?

A That was not said in these speeches.

Q They only wanted to bring the students close to the National Socialist movement. Is that correct?

A Everyone spoke in his scope of work concerning the National Socialistic goals.

Q Did these people tell you it was necessary that the army and individual groups should work together in order to build up a new Germany?

A Yes, it was said that we all had to work together.

Q To build up a better Germany?

A Yes.

Q What at that time did you understand by greater Germany?

A To bring Germany out of the need it was in 1933. Its industry and its inner political formation according to the numbers.

Q Because of its number and population of sixty millions, Germany was regarded to be too small, is that right?

A Yes.

Q Where didthese gentlemen say you should get more land, you know there were several theories?

H0975 - 0043

A We wanted our colonies back.

Q Was there not another scope of thought that you need more room in the east?

A Yes as far as the German areas in the east were concerned, we also wanted them back.

Q And something additional, is that correct?

A I don't believe so.

Q Did you say I don't believe so, or I don't believe it?

A I don't know.

Q Did you read the books of Rosenberg?

A No.

Q Did you ever hear the theory of Lebens/raum?

A Yes, I heard of it.

Q What is the theory of Lebens/raum?

A The enlargement of the area of the country according to the number of people and thus the people would be able to assist and feed themselves.

Q Were you a follower of this theory?

A Yes.

Q By the way, did Streicher speak at one of the meetings?

A No, I never heard Streicher.

Q You were a follower of the Lebens/raum theory. Did you believe that more space could be gotten through peaceful negotiations?

A Yes, I believed it. I also believed that we could get back our former German colonies.

Q Did you really believe that the old German areas and colonies were enough living space?

H0975 - 0044

A Yes if they were populated densely.

Q You believed that it could be reached by discussions, did you not?

A Yes.

Q Did you believe if there was a strong army to back them up, the discussions could be carried out more effectively?

A Yes.

Q Are you a jurist?

A No.

Q Then, I will ask the next question a little bit differently. When did you know that if the discussions could not be done peacefully, theFuehrer was ready to use force.

A From the time we started the war in Poland,not before?

Q You did not believe that the Fuehrer acted according to the idea, if you don't want to do it peacefully, I will use force?

A No, I did not believe so. In fact, I admired him for the diplomatic gains he made in Austria and Czecho Slovakia where we reached our goal without bloodshed. I already stated formally that we that lived through World War 1 knew the strength of our neighbors and did not consider a new war possible.

Q You agreed with the Austrian and Sudetenland matters as they went off without a battle?

A Yes. I made the occupation of the Sudetenland together with my troops and I looked at the great throngs of cheering people that met us.

Q In other words you received more Lebensraum and you wanted it?

A Yes.

H0975 - 0045

Q Now, I am coming to a different chapter. When did you realize for the first time that orders and directives from the Fuehrer were criminal?

A The first directive from the Fuehrer which came to my attention and which I considered as such was the Commissar decree.

Q When was that?

A That was before the Russian campaign. About 14 days or three weeks before the campaign started in the east.

Q That was the first criminal order with which the army had any connection?

A Yes, that was the first order which we had to do with directly.

Q You know that the so-called Fuehrer gave out various other criminal orders before that?

A I don't know what you are speaking of.

Q I am speaking concerning the Jewish question.

A Yes.

Q When did you realize that the Jewish question and the mistreatment of political prisoners was a criminal act?

A During the days of the anti-Jewish activities in the fall of 1938.

Q Was that the first sign?

A That was for me the first open sign.

Q Did you hear of the mistreatments in concentration camps before 1938 and after?

A No.

H0975-0046

Q In other words it started in 1938. When did you first realize the difference between the order on one hand and something higher than the order on the other hand.

A Right away when we received the Commissar decree.

Q Did you never realize that one could refuse any criminal orders, according to the Reichs Military Law 64?

A I did refuse it.

Q But you never drew the final consequence?

A I forbade the carrying out of this Commissar order for my sector, as I stated this morning.

Q [redacted] Did you ever teach concerning the power of jurisdiction in the Military Academy?

A Yes.

Q What did you yourself teach what is higher than the regular military order.

A A military order is to be carried out, with the exception of the military order which requires you to act against the law.

Q What examples did you quote from the Prussian German history concerning this?

A I cannot remember any special examples from the history.

Q The book from Rosenberg?

A The case of York von Wartenberg was discussed, who in a special position refused an order.

Q Did you ever think of these matters later on in your career?

A More than once.

H0975 – 0047

Q Do you know of any other general staff officers or high officers that remembered things like that which they learned from you?

DR. LATERNSER: I object to the question as the witness cannot say what other general staff officers thought.

CAPTAIN TUBRIDY: He can state what they ~~thinks~~ thought if he knew knows.

DR. LATERNSER: The question was not put that way.

DR. KEMPNER: What do you know from persons with whom you were in contact?

THE WITNESS: The men and the chiefs of the various armies did discuss among each other the difficulty in giving out the orders which we did not agree upon.

CAPTAIN TUBRIDY: It can be assumed that he knew what his or persons with whom he was in close contact associates thought.

DR. KEMPNER: Whom for instance was in such a conflict of ideas and thoughts? Who talked to you about it?

THE WITNESS: The Commanders in Chiefs of the army groups when we came together for discussions.

DR. KEMPNER: Please mention several names.

THE WITNESS: General Henritz and at that time General Model.

BY DR. KEMPNER:

Q You discuss the orders with them. Am I correct in saying that some of the orders of Hitler were of a criminal nature?

A No, I am not speaking here of criminal law, but of military tactical orders.

Q The Fuehrer very often interferred with you. Is that correct?

HO975-0048

A He very often ordered things which were not correct, according to our opinion.

Q Would you state that you would have had a better result in this war if the Fuehrer had not interferred constantly?

A Yes. I very often was of the opinion that it would have gone better.

Q That is all I have to ask, but there are certain things which we discussed this morning and one of my colleagues would like to ask a few questions.

BY MR. CONWAY:

Q My name is Conway. ~~I am in General Taylor's office with Subsequent Proceedings, but am now working with Dr. Kempner.~~ I am working with Dr Kempner's office on the testimony of the witnesses for the High Command.

General, this morning when you were discussing anti-partisan activities you told that you had participated in these activities, but you did so only because military necessity required it. You had no part in the extermination of Slavs and Jews?

A That is correct.

Q During the course of your examination, you made the statement that you did not see what interest"we"had in the extermination of Slavs and Jews, is that correct?

A Yes.

Q When you said "we" am I to assume that you meant yourself and other military leaders with whom you spoke?

A I speak generally for all soldiers from all ranks.

Q You don't speak for Hitler?

A No.

H0975-0049

Q You had plenty of reason to know that Hitler and the politicians had interest in exterminating Jews and Slavs, did you not?

A I do not know of any reason and if there had been any reason, I would never have joined in it as I did not feel the same way.

Q The other day when you were discussing your feelings with respect to Hitler, when he first came to power, you said that you excused certain violations on the grounds that it was irrelevant. Is that correct?

A Yes, I explained some of these murders and massacres with the Revolution, however, I did not agree with that.

Q I might understand that some of these excesses and violations to which you refer at that time involved Jews, did they not?

A Yes.

Q When Hitler came to power, do you recall that he attempted to make political use of the Officer's Training School and had the students in that school to demonstrate in his favor?

A Demonstrations to what extent?

Q To go out and make public demonstrations of allegiance to Hitler, even though they were in the officers training school under an army command.

A That only concerned the warrant officers school in Munich at the beginning of National Socialism in 1923.

Q Did you consider that a political activity on the part of the military?

A Yes, it was the wrong act and I believe many of these warrant officers did this since the name of Luddendorf was connected with the movement. There was disciplince because of this and the action from a stand point of an officer was incorrect.

H0975 - 0050

Q Are you familiar with the planning of the political activities during the rise of Hitler to power in 1933 of the Bavarian Division?

A No, I was not in Bavaria at that time and do not know it.

Q If I were to tell you that Field Marshall Von Rundstedt said that the Bavarian Division joined Hitler in 1933 and the Generals were angry over it, would you believe it?

A I can imagine that they did not like it. I do not know if it actually happened because we always wanted to remain non-political.

Q Were telephone wires intercepted before the war by the Nazi Party?

A No, I don't think so.

Q You feel that they were not?

A I believe yes.

Q Would you have known if they were?

A I was commander in Wurzburg, nothing like that happened to me.

Q If something like that did happen, would you have complained to the proper parties?

A Yes, if I would have found out something like that.

Q Did you not just a few moments ago tell Dr. Kempner that you were familiar with certain anti-Jew activities of the Nazi party in 1938?

A I lived them in Wurzburg.

Q You did have some reason to understand what interest Hitler had in exterminating Jews and Slavs during the Russian campaign?

A I always deplored such actions.

H0975-0051

Q And you did have certain incidents, which happened in Hitler's rise to power, which would lead you, as a military man, to believe he would interfere in sufficient or subsequent time with the military?

A No, he did not interfere with the military circles, starting with the war and during the Polish campaign. As far as I could see Hitler did not interfere at all in the military leadership. The first interferrence from Hitler came during the French campaign. I wanted to advance toward Calais and Dunkirk. We had to stop and that was a big tactical mistake.

Q Please answer this "yes" or "no." Is it your contention that prior to the war and even during the Polish campaign, there was no indication to you as a General and an intelligent man, to expect interference in military affairs and the execution of these by Hitler?

A Yes.

Q You have testified that if outsiders were killed during partisan activities the responsibility for such deaths was with the partisans and not with the German troops?

A Yes.

Q You make no exceptions to that?

A I do not know of any exceptions in my sector.

Q You have also told us that the population knew that they were being protected by you from the partisans. The exact phrase you used was: "The people knew they would be protected against the partisans." Is that correct?

H0975-0052

A Yes.

Q The people to which you refer are the people who were friendly with the Germans?

A Yes.

Q You testified with respect to the Polish uprising in 1934 in Warsaw?

A Yes.

Q I would like to clarify in my mind how extensive were the activities of your troops. Did you tell us that your troops did not participate at all?

A No, not of our army group. The troops which were supposed to be used to put down this riot were given to a commander directly from headquarters of the OKH through the Reichsfuehrer SS.

Q Am I to understand by the Commanding General of the Police von dem Back Zelewski?

A Yes, General Bach-Zelewski was in charge of the battle in Poland directly under the Reichsfuehrer SS.

Q I think you said that the personnel of the Warsaw insurgents constituted quite a military group?

A Yes, the Polish uprising consisted of seven to eight thousand Polish soldiers.

Q Nevertheless, you said that the troops that General Back-Zelewski had at his disposal were given to him directly from headquarters?

A Yes from the OKH and from the Reichsfuehrer SS.

H0975-0053

Q And the troops who came from OKH were not special Einsatzgruppen troops, were they?

A No, they were not Einsatzgruppen troops. They were only engineers and heayy artillery men, however, most of the men under Zelewski were police and SS formations.

Q These troops that came from OKH had they, to your knowledge, been especially assigned to General Zelewski to put down this uprising? Was it a special assignment.

A Yes, they were with special orders, but under his command.

Q Your command was the higher military commander for that district, was it not?

A I was commander in chief of the entire sector of the army group.

Q And then these engineers and artillery men were moved in from outside the group?

A Yes, they were brought in from the outside and directly put under the command of General Zelewski.

Q The military situation with respect to your troops and your combat with the Russians at that time was quite urgent was it not?

A Yes, at that time we were taxed along the entire front of the army group.

Q You were quite interesting having the up-rising kept down, were you not?

A Yes, we were very strongly interested that this uprising was to be put down as fast as possible.

Q You needed a certain territory that was being held by these rebel insurgents in order that you might retain and use them as fortifications

H0975-0054

in the fight against the Russians, is that not so?

A Yes, I needed the banks of the Wista which was part of our defense lines.

Q And yet you did not dispatch any of your troops to stop this uprising, although you knew the special troops of artillery and engineers had to come from outside your district?

A The battle and entire action was under the command of General Zelewski and I only gave the order so that the banks of the Wista would be as clear as possible. At that time when the action broke out I was not then commander in chief of the army group.

Q But you did come on the scene as commander in chief when the resistance was still enduring?

A Yes.

Q I would like to read to you a small part of Affidavit 14, which is the Affidavit of General von dem Bach Zelewski.

DR. LATERNSER: I don't believe that this sworn affidavit has as yet been presented before the Tribunal. Zelewski was questioned as a witness but I don't believe that the affidavit has been presented as yet.

MR. CONWAY: I am not offering this as evidence, but I had the impression that it was before the Tribunal, however, I may be mistaken. In any event, I am only attempting to read a section and to have the witness follow me in German as to what is carried in this paper.

CAPTAIN TUBRIDY: He is merely asking a question.

H0975-0055

DR. LATERNSER: I object to the use of this Document.

CAPTAIN TUBRIDY: Mr. Conway is just taking a statement out of the affidavit and asking the witness if he agrees with it. It is merely asking a question.

DR. LATERNSER: I wish to get a copy in that case.

MR. CONWAY: I have only one copy. Would you mind looking at it while the witness is looking at it?

CAPTAIN TUBRIDY: Can you put your question in this form? Give the affiant's name, date on which he executed the affidavit, point out the paragraph and page on which the statement appears.

MR. CONWAY: This is actually an affidavit to which Dr. Laternser referred this morning, rather than reading from it he paraphrazed it.

DR. LATERNSER: I did not speak of this document this morning. I do not even know of it.

MR. CONWAY: I would like to read to you from Affidavit 14, Office of U. S. Chief of Counsel, sworn to by General von dem Bach Zelewski on 27 November, 1945. I would like to turn to page 2 and read from the second paragraph, under section marked numerical 3:

"In 1943 I was appointed Chief of anti-partisan units, a post created for me and in which I was directly subordinated to Himmler. My functions involved close cooperation with the Wehrmacht and the use of Wehrmacht units, since SS and police units would not have sufficed by themselves. The conduct of an operation was always entrusted to that arm - whether Wehrmacht, Waffen SS or Police - which provided most of the troops. The Wehrmacht had charge of most of the operations

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since it usually provided the greater part of the force. Both participants however had the same experiences with the result that Schenkendorff and I always agreed in our reports to Himmler and QMC of the Army."

I now want to turn to Page 3 of the English version and read: "Moreover the fight against partisans was gradually used as an excuse to carry out other measures, such as the extermination of Jews and gypsies, the systematic reduction of the Slavic peoples by some 30,000 souls, ~~the systematic reduction of the Slavic peoples by some 30,000,000~~ souls (in order to ansure the supremacy of the Germany people), and the terrorization of civilians by shooting and looting. The Commanders in Chief with whom I came in contact and with whom I collaborated (for instance, Field Marshals von Weichs, von Kuchler, Bock and Kluge, Col. General Reinhardt and General Kitzinger) were as well aware as I of the purposes and methods of anti-partisan warfare."

I would like to have your ~~opinion~~ statement as to whether or not General Zelewski is correct when he said the military men with whom he cooperated, among them you, were familiar with the real nature of partisan warfare.

THE WITNESS: No, this opinion is wrong. I maintain the statement I made this morning when I stated we only carried out this partisan warfare to alleviate the difficulties we had and General Von dem Bach, insofar as partisan warfare was concerned, never worked with me at all.

BY MR. CONWAY:

Q When you say that you only carried it out insofar as it was a military

H0975-0057

necessity, you mean according to your knowledge within your area?

A I speak for myself and my armored army. We have no knowledge of how some of the other Germans might or did carry out the Fuehrer's orders with respect to ruthless extermination of people. I only heard here in the trial that the opinion prevailed that the anti-partisan warfare was only a camoflage for the real point and that is the destruction of Jews and Slavs.

H0975-0058

BY MR. CONWAY:

Q I have here an affidavit No. 44, and again I have the German and the English, and again I wish to read it and ask that you read along with me, please. I will ~~skp~~ skip the first sentence and start at the second sentence.

"Shortly before the beginning of the attack my division received through the channels from the OKW a written order of the Fuehrer. This order directed that Russian Commissars be shot upon capture without judicial process, immediately and ruthlessly. This order extended to all units of the western army."

My question is, General, I assume this is one of the orders to which you took exception, which you refused to carry out, and which you protested.

BY CAPTAIN TUBRIDY:

Q Did you receive such an order?

INTERPRETER: Yes, I had the German.

WITNESS:

A This is the commisar order to which I referred this morning I received and sent to Allenstein.

~~DR. IATERNSER: I should like to ask to see this affidavit which has just been read.~~

CAPTAIN TUBRIDY: Isn't it immaterial. He is ~~merely asking if he received such an order and he could~~ ask the same question without taking it from an affidavit, so I don't see that it is material.

H0975-0059

DR. LATERNSER: But if an affidavit is referred to surely I should be told by whom this affidavit was given.

CAPTAIN TUBRIDY: You may look at the document if you want to but you are not really entitled to it. It is not being offered in evidence as I understand it. It is merely being used to examine the witness.

DR. LATERNSER: I am able to help in this connection. This affidavit has already been submitted in the main trial.

CAPTAIN TUBRIDY: It is immaterial, Dr. Laternser.

BY MR. CONWAY:

Q It is your impression, General, that the order extended to all units of the Eastern army? Let me start over. As far as you know, did this order extend to all units of the Eastern Army, that is, within your official area?

A I don't know to what extent this order was distributed. I do know though it was applied to all of our troops. As far as my two armored divisions were concerned both of them received this order and at the same time were ordered by me not to carry it out.

Q But you told us this morning you did not carry it out you used as your authority an order of Von Brauchitch that the discipline of the soldier was to

H0975-0060

be placed above verything. Am I correct or not?

A I don't know whether General Von Brauchitch ordered it at that time. I mentioned General Von Brauchitch's order this morning in respect to the failure concerning the civilian population, which was purely a disciplinary action, and as far as I remember I justified this order by my own personal conviction that this order was not a proper order.

Q And since this order was not proper, you, as a soldier, felt you were justified in ignoring it, even though you know discipline and unquestioning obedience to your superior officers is necessary if an army is to function.

A This order demanded of us something that was not right and was, therefore, not executed.

Q By you?

A By myself and my armored group.

Q General, you have told us, going back away, that you noticed no emphasis on offensive training when you were in charge of the operations divisions, in charge of the training program of the army, I think it was in 1936 or 1937, is that correct?

A That is correct. Training was continued exactly as it had been carried out before. No special emphasis was placed on offensive training as long as I was chief of the training department.

H0975-0061

Q And you Generals did not think that Hitler as a political leader had in mind an offensive war either, did you?

A There was a preparation for an attack against England. I/myself was in charge of the experimental station in the summer of 1940, concerning the different methods of attack to be used against England but I/did not believe that these attack intentions were serious ones, and Hitler, who usually concerned himself with everything, especially with technical affairs, did not concern himself with these experiments at all and did not ask me for a report.

Q I think you are misunderstanding me, General, I am referring to the time in 1936 and 1937 when you were in command of the training plan in the army, not subsequent to that time.

A At this time no mention was ever made of an attack on England.

Q Or any other country, is that correct?

A That applies to all countries.

Q And as far as you could observe the training program of the army was limited strictly to that military training which was necessary for the protection of Germany?

A Yes.

Q But Hitler was telling you that you were slow in cooperating with the increase of the army, is that correct?

H0975-0062

A That is correct.

Q And he was continually pressing a faster mobilization and larger units?

A As far as we were concerned we did not want to press the increase of the army too quickly because from a training point of view we did not have a sufficient number of officers and non-commissioned officers suitable for training, and therefore wanted to keep the strength down to twenty one divisions.

Q And also you did not want war?

A We did not want war.

Q Did it occur to you that when Hitler was continually urging faster mobilization he might have had something more than the defense of the Fatherland in mind? Please answer that "yes" or "no" if you can?

A No.

Q Thank you. I have one more document from which I wish to read. This is USA PS I. I am sorry, Dr. Laternser, I don't have the German here, but I wish to read from page 813 of that document. It is a secret document report by General Von Reichenau, entitled "Conduct of the troops in the Eastern Territories", and I am going to read the first part of it:

"Regarding the conduct of troops towards the Bolshevistic system, vague ideas are still prevalent in many cases, the most essential the aims of war against

H0975-0063

the Jewish Bolshevistic system, a complete destruction of their means of power and the elements of Asiatic influence from the European culture. In this connection, the troops are facing xxx tasks which exceeds the one sided troop movements. The soldiers in the Eastern territories is not merely a fighter according to the rules of the xxx art of war, but also a bearer of ruthless Nazi idealogy and the avenger of bestiality which have been inflicted upon the Germans and racially related nations. Therefore, the soldier must have full understanding for the necessity of a severe but just revenge on sub human Jewry. The army has to aim at another purpose. That is the annihilation of the xx revolt in the hinterland, which, as experience proves, have always been Jews."

I know that you will not agree with the sentiments xxx expressed here, is that correct?

A Completely.

Q But it is claimed that some Generals in the army did hold those sentiments, is that correct?

A I don't know, I believe all other Generals were opposed to it.

MR. CONWAY: Thank you, no further questions.

CAPTAIN TUBRIDY: Thank you. Does the Russian Prosecution have any questions?

H0975-0064

COLONEL POKROVSKY: I have a few questions.

BY COLONEL POKROVOSKY:

Q Do you know of the order of Hitler which was expressed to the Generals in 1942, the order concerning the fact that all the land had to become as deserts after the German troops left them?

A Does this order concern the destruction to be made on retreating?

Q You should answer the ~~questions~~ questions here.

CAPTAIN TUBRIDY: The witnessis ~~merely~~ asking a question so that he can answer the Russian Prosecutor.

BY COLONEL POKROVSKY:

Q It was suggested in this order from Hitler in 1942 that the German soldiers should take over the Russian wilderness and that those places would not exist any more? In 1937 this was issued as a special order. On the 3rd of December, 1942, Hitler issued a certain order, an order stating that destruction should be given to the Russian forces, and in that order it was ordered that without exception an order should be given to fire the stoves in the houses and they should be blown up, and the order was signed "Adolph Hitler" This is from the notes of Mr. Molotov and is USA Exhibit No. 51 presented in the Tribunal.

H0975-0065

A I have heard of this order. I do not know whether this order was issued to me by official channels. This order at that time had no significance for me for the simple reason that I was not on the retreat but on the contrary on the attack at that time, and on attack we did not destroy any house and shelter because any means of shelter and any source of fire or stoves played for us a very, very good role in this hard winter.

Q How did you hear of this order?

A I don't know whether I received it officially or not.

Q I am going to read a few lines from this document: This testimony was given by a nurse to an officer of the 7th American Army. This was a nurse Elizabeth Klein in the German army. I don't want to read the whole excerpt but I am going to read just two lines:

"I have in my own eyes seen Russian villages burned down and set on fire by the German soldiers."

This is document 69, do you know of facts like that?

A No, and I don't know to which territory this testimony applies that this nurse had given.

Q To the town of Dnob, in the Leningrad sector.

A I don't know whether this applies to me. To which time do these statements refer?

H0975-0066

Q Do you mean when the testimony was given?

A No, I am referring to the time to which the testimony refers.

Q In the beginning of 1943.

A I was not in the vicinity of Dnob at that time.

Q Whether or not you have been there, even in the district of Dnob at that time, I must first ask you if the German army knew that Hitler order of December 1942 and you did not know about that.

A. I have already testified that at the time that order was issued my army was on the attack. I believe that this order refers to those districts which we were evacuating.

Q I just wanted to know regarding the facts of this place called Dnob?

A I already testified I had heard of this order but I would not have issued this order to my troops even if I had received it and it would not have applied to us.

Q Do you know of the decree that no prisoners should be taken in the East?

A I heard of this order, but if I remember correctly not until I came to Nurnberg.

Q How and when did you hear of this decree?

A I believe I heard of it here and the very

H0975-0067

great number of prisoners we took proves that we did take prisoners.

Q Don't you think even after you heard of this order not to take prisoners that every General himself had to say whether or not he should take or should not take prisoners?

A No.

Q Who guarded the prisoners that were taken to the rear of the army, the SS troops or the army troops?

A The prisoners that we took were taken back of our lines by guards taken from our own troops and handed over to the camps. From that point on we had nothing more to do with the prisoners.

Q So before being given over to the camps the prisoners were guarded by your own troops?

A Until they reached the camp they were guarded by members of the army.

Q Do you know that while prisoners were being taken to the camp they were shot ~~at~~ and that they starved. Do you know of a case like that?

A I do not quite understand your question. We did not shoot any prisoners.

Q Haven't you known a defendant by the name of Rosenberg?

A Yes

Q I am now going to read to you a few lines from

H0975-0068

the letter that Rosenberg was going to send to the Commander in Chief. It is dated on the 28th of February, 1942, and has been presented in Court as No. 108 PS:

"In this business of war, those who could not go on marching, they being starved and hungry, were shot before the eyes of the terrified population."

Was there an order about that and don't you as an army general know about that?

A No, I don't know anything about it.

Q Isn't it a mistake to state you don't know anything about a thing like that?

A No, and I testify on oath that we did not know these things.

Q Did you know that from the Russian prisoners of war during the winter of 1941-1942 there was taken a way from them their warm clothes and their warm uniforms?

A The fur boots of the Russians were taken away from them in the winter of 1941 that I know, because our own soldiers too suffered from the cold, and my own soldiers suffered from chill blains and ~~frxxxx~~ frost bite.

Q Did you too issue an order to that effect?

A I issued no order.

Q Did you know that those orders were given after the destruction of October 8th?

A No, I don't know that.

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H0975-0069

Q Were not those orders the result of the iniative of the Commanders?

A Commanders of armies probably ordered this in order to care for their own troops and the necessity had probably arisen from conditions as they were at that time.

Q Aren't orders of this kind subject to the regular rules of war?

A In my opinion this measure was absolutely necessary to help our troops during this winter, and that this order is based on military methods.

Q So you consider this order justified and correct?

A I believe this order militarily justified, that is the way in which it was issued by certain Commanders in Chief.

Q I will now read one of these originals and you will answer: Do you know of Hitler's edict to exterminate Warsaw?

A Yes, I know this order.

Q And you consider this order as justified and that it is based on military methods?

A No, this order had nothing to do with the manner of fighting.

Q Dd you know of the edict to exterminate the population in Moscow?

A I have heard of these orders.

H0975-0070

Q Then was this order based on military necessity too?

A No.

Q Don't you know that the edict to destroy Moscow and Warsaw and Leningrad had to be xx based on military action?

A The order to destroy Leningrad and Moscow was out of consideration because we had not taken these cities and as far as Warsaw is concerned I testified previously that this order was given directly to von dem Bach, who was the police general of the Reichsfuehrer SS.

Q I am not going to argue with you as to whether the orders were given to exterminate these cities, the point is the fact that ~~the~~x the German generals knew of that order, those who worked at the headquarters of the general staff?

A Yes, as a teacher I knew about it.

Q XXXXX What do you know of the German officers who were trained in the warfare against Russia and in ~~Rhxxxdxxxdx~~ Poland and Czecho Slovakia.

A In the years 1927 to 1931 when this existed no mention was made of any intelligence and information work in Poland and Czecho Slovakia, but I had that for two years. I stated Russian officers had been my pupils and were taught by me.

H0975-0071

Q Do you know of the Corps?? in the Sudetenland?

A No, I don't know anything of this corps.

Q Didn't you hear that the officers of this corps came from Germany?

A At that time I was a Brigadier Commander and knew nothing of these preparations.

Q After examination from ~~mx~~ the transcript of your testimony of yesterday you stated the Germans were against war with Poland and did not want to engage in any further ~~xxxxxx~~ wars?

A No, I ~~xxxxx~~ knew nothing of this.

Q Do you mean to say that you don't know of the plan ~~XXXXXXX~~ Weiss?

A I knewnothing of the plan/Weiss ~~Xxxxx~~ and if such orders existed they were not made known to the Commanders who were at the front.

Q Do you mean to say you don't remember the occasion ~~xxxxx~~ of Gleiwitz, at the railway station?

A We learned of the Gleiwitz incident by means of information/in ~~xx~~ the territories where our troops had been assembled but we did not learn of it initially.

Q How did you happen to find out about this, in what manner?

A I don't remember, probably through the intelligence service.

Q You stated yesterday you did not know

H0975-0072

anything of the activities of the Einsatzgruppen SD in Russia?

A Yes.

Q We understood from your testimony that this Einsatzgruppe was subject to the higher forces of the SS and the SD?

A The SD Einsatzcommandos were under the jurisdiction of the Reichsfuehrer of the SS and received their missions directly from him.

Q Are you sure that you are speaking corrctly?

A Yes, ~~xwxxxsixx knowxxx

H0975-0073

A Yes, if these Einsatzgruppes were in action ~~xxxxxxxxx~~ within our area they were fed by us.

Q Do you know that those Einsatzgruppes existed?

A Yes, I know that.

Q And the army gave them provisions and clothes them?

A They did not give them clothing but they fed them. We did not have any SS clothing.

Q Do you expect one to believe testimony like that?

A No answer.

CROSS EXAMINATION

BY M. LANOIRE:

Q Did you have any temporary command on the western front up until 1940?

A No.

Q Q Did you after 1940?

A Yes.

REDIRECT EXAMINATION

BY DR. LATERNSER:

Q You have just now been asked by Colonel Pokrovsky concerning the Einsatzgruppe and I should like to take up here. You stated that you did not know the reason of these Einsatzgruppes ever having been used and it was suggested to you that seemed hardly believable. What do you suppose were the tasks that the SD had been entrusted with?

H0975-0074

A I do not know in detail anything about the tasks of the SD because as I have already testified the SD adheres to strict secrecy.

Q Didn't you suppose that the SD had the task to guard and keep an eye on the political attitude and opinion of the civilian population of these territories?

A That was partly the task that the SD had.

Q You then said that you had heard concerning the Gleiwitz incident and that you had received your information through news channels. Does that mean to say that you learned of the true relationship and happening of the Gleiwitz incident at that time, that is, that the attack had been provoked by German troops or did you believe, as was said, that it had been carried out by Polish troops.

A There may be a mistake in translation. ~~The news channels~~ News channels does not mean military news channels but radio or press and we heard of this incident after it was supposed to have happened at that time that the attack had been carried out by Poland.

Q That means that the information that you received concerning this incident was the information that you received through ordinary news channels and that any other German heard of?

A We only learned of this news through ordinary channels.

H0975-0075

Q And when did you learn of the news concerning the attack on the radio station at Gleiwitz?

A Here in Nurnberg.

Q That event has been sufficiently covered by now. You were then asked by the Russian counsel concerning orders of the extermination of Warsaw, Leningrad and Moscow, and you said in this connection that you had heard of these orders. I shall now sub-divide these orders. First of all concerning ~~Leningrad, do you~~ Leningrad, do you know that any order was actually issued by Hitler ~~that~~ that Leningrad was to be ~~wiped~~ wiped off the face of the earth?

A No.

Q Field Marshal Von Leeb has been interrogated here as the Competent Commander in Chief at that time, and he testified he never received any such order.

A At the time I attacked Leningrad and later on such an order did not exist. I heard of such an order afterwards.

Q That is to say you had heard of such an order but do you know whether it had actually been issued or not?

A No, I do not.

Q Now concerning Moscow the same is true?

A I only heard of this order from hearsay.

H0975-0076

Q And you also do not know whether that order was ever issued?

A No.

Q Now as far as Warsaw is concerned, in order to be quite clear on the point, no order to exterminate or destroy Warsaw was ever given by any military office?

A Never.

Q This order was solely issued by ~~xx xxx~~ the ~~Rix~~ Reichsfuehrer SS?

A By Hitler or by the Reichsfuehrer SS.

MR. CONWAY: Don't you think we should have had this testimony from the witness? ~~XXXXXXX~~ Isn't this a little bit ~~xxxxxx~~ leading?

CAPTAIN TUBRIDY: ~~It even goes~~ beyond that. Aren't we getting into new matter

DR. LATERNSER: This is supposed to be re-direct examination and we are supposed to cover matters asked about on cross examination.

CAPTAIN TUBRIDY: But you are presenting what really amounts to new matters, ~~aren't you?~~

DR. LATERNSER: The questions that I am now asking arises out of notes I have taken during the cross examination and I remember distinctly a question by the Russian Prosecutor whether the witness remembered the orders concerning the destruction of Leningrad, Moscow and Warsaw, and I shall try to clarify this point and I hope I shall succeed.

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CAPTAIN TUBRIDY: Well will you try to elicit testimony from the witness rather than have the testimony come from you and then have the witness corroborate it?

BY DR. LATERNSER:

Q Witness, you were asked by Dr. Kempner concerning the national socialist training of officers of the General Staff. How many hours a week of instruction did the officers of the General Staff have approximately?

A About thirty hours of instruction as such per week.

Q What was the time taken up by this national socialist instruction as you mentioned?

A About one hour a week was assigned to such lectures, but these lectures were of a general political nature and not only on national socialism.

Q Can you mention any topics that you remember that were treated in this instruction?

A No, after 1933 I no longer had anything to do with this instruction, and, therefore, I cannot give any topic?

Q That is to say that in relation to the entire instruction this sort of instruction took only a relatively small place?

A This instruction, as I have already mentioned during my first interrogation here, would be only for

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the general political information of the officers of the General Staff.

Q In this connection, you also mentioned the lectures that were held in Bentler Street in answer to a question that Dr. Kempner asked you. What kind of people were in the audience listening to these lectures?

CAPTAIN TUBRIDY: I think that is immaterial. What difference does it make, Dr. Laternser?

DR. LATERNSER: Mr. President, I consider this question a very important one for the Prosecution intends to prove the ~~xxxxxxxx~~ connection of the officers with politics, and wants to draw the conclusion that these officers were really political generals, and, therefore, it is important for me to show who was present at these lectures.

CAPTAIN TUBRIDY: Well, you may go ahead but I think the proof is getting awfully fine at this point.

DR. LATERNSER: I will try to be as brief as possible.

WITNESS:

A Not only officers of the General Staff were in the audience but all kinds of officers, as well as employees of the Ministry of War and officers of the OKW in attendance at these lectures was voluntary.

H0975-0079

Q Would you say that these lectures made any special impression on the audience and that they did not impress or influence their general attitude?

A These lectures usually were liked because members of the party held lectures and also other people, for example, professors of the university.

Q You were asked concerning the entry into the Sudetenland, whether you did not have certain doubts concerning it as the Sudetenland had not previously belonged to Germany, when this entry took place, did you also consider the fact it was being done with the approval of the Western powers?

A Yes, we even admired Hitler's skill in finding a diplomatic solution of this problem with the Western powers.

Q What rank did you hold at the time of the Sudetenland entry?

A I was a major general.

Q I have only one question concerning the Commissar order: Was any one case ever reported to you in which the orders of the commissar decree were applied?

A No.

Q Now who took part in the partisan combat you mentioned ~~or how stated~~ in one answer to a question by

H0975-0080

a Prosecutor, that innocent people died during these partisan combats. I have not quite understood this. Do you mean to say that the deaths or casualties that took place among the civilian population had xxx happened in the course of the fighting or that they were being killed deliberately?

A They were casualties that occurred in the course of the fighting.

Q And now one question concerning Warsaw. Had Warsaw belonged to the sector of the army group Central or to the sector of the Ninth Army at the time the insurgents battle of Warsaw began?

A I do not know, in what relationship of command authority it stood to the army group, for at the beginning of these insurgent battles I was not yet Commander in Chief.

Q And you don't know who was the Commanding Office or authority after the division had been taken over by the Army Group?

A Krebs reported to me concerning the conditions of command and authority as Model left suddenly without having over his commission.

Q XX An affidavit, Exhibit No. 14-A, was submitted to xx you by the Russian Prosecution, at the bottom of page 2 General Brodowski??? says, and I quote:

"But if all missions likewise as has been the case in the East and the Southeast, a responsible leadership xxxxxxx who may have had the carrying out

Check

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of counter measures according to the individual opinions of the iddividual commanders, this not ordering or not carrying out the order of a responsible leadership is no more nor less than the cowardly throwing over of a responsibility to subordinate organizations, but if the not carrying out of this order is extended to everybody, it would be an anarchy and a counter measure and in spite of this no clear order is given to the effect, and only this conclusion is possible, and that is that this anarchy has been intended to be carried out by the highest leadership."

General Von Blaskowitz states here in other words that such chaotic conditions in partisan combat existed because no corresponding orders were issued. My question to you is: Now when was the first regulation concerning a partisan combat issued?

A In the summer of 1942 and as far as I remember in June.

Q When was this partisan combat regulation altered?

A In 1944.

Q That is two regulations were issued and the second regulation cancelled or revoked the first regulation, and even if no second regulation had been issued it still would have been the concern of each individual commander to issue the orders that he saw fit, that is why he is a commander?

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A Yes.

MR. CONWAY: I think counsel is testifying again.

CAPTAIN TUBRIDY: Go ahead, Dr. Laternser, we are running overtime. Now how many more questions do you have of this witness?

DR. LATERNSER: I shall finish in a half an hour.

CAPTAIN TUBRIDY: I think you should bear in mind there are only two more weeks of this commission and you have had a half a day with this witness and even with two more weeks remaining with only twenty witnesses if you want to spend the time with this witness it means you will be unable to call the others. Can you tell me how much more time you will need for this witness, so we can decide whether to go on today or tomorrow morning and continue now or adjourn?

DR. LATERNSER: I may be able to finish in fifteen minutes.

CAPTAIN TUBRIDY: I think we had better adjourn until tomorrow morning.

(The Commission adjourned at 1715 hours)

Com A
Take 4, page 27
Cook
1530 - 1715
24 June 1946
Reinhardt

H0975-0083

The foregoing is a true and correct ~~xxx~~ transcript of the testimony of GENERAL OBERST HANS REINHARDT ~~xx~~ taken on 24 June 1946.

Cook
REPORTER (pp 57-81

Pilcovic A Aburra
Reporter (p 1-15)

Mabel A. Lesser
Reporter (p 16-32)

Alice Mulhan
Reporter (p 33-56)

CERTIFIED TO:

Joseph F Nubridy
Commissioner

Commissioner

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H0975-0084

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4, OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

24 June 1946

(The Commission convened at 1015 hours.)

COMMISSIONER:

Captain Joseph Tubridy.

O. K. W.

LT. GENERAL HANS REINHARDT, a witness, took the stand and testified as follows:

DIRECT EXAMINATION -- RESUMED

BY DR. LIEBNSER:

Partisan warfare

Q General, I would like to ask you some questions concerning the Partisan warfare. Police General Von Dem Bach named you as one of the men who cooperated in this anti-partisan warfare.

A There was no cooperation by General of the Police Von Dem Bach, so far as this bandit warfare is concerned. However, I had quite a bit to do with the anti-partisan warfare within my territory.

Q When did these battles start?

A I had nothing to do until 1942 with larger bandit wafare. Only in 1942 when my Army sector was in Jassmar did my bandit warfare increase. In this sector the relation with the civilian population was good. There were battles going on in Jassmar, but not with the bandits. Rather, they were with the Russian Cavalry Corps Pliolov that was still fighting in this vicinity. I did not participate in these battles.

Then, in the summer of 1942, there were larger bandit and partisan warfare in the rear of my army sector. That was between Dorogobush and Dnieper. I did not have any troops to combat these partisans, and they were then combatted by cossack units.

In January, 1943, when I took over the area northeast of the Vitebsk, I took over an area that was completely filled with partisans. Larger battles had already taken place in these areas. One of the main reasons why there was such a large extent of partisan warfare was that at the time I arrived there, there was stillsome connection between these partisans and

relates to his fight Partisans

the Russian units through the front lines, especially through the swamp forests, which was excellent fighting territory for these partisans. In these swamp forests there were frozen lakes, and the Russians used these lakes to land planes which were in constant liaison with the Russian units.

Q Did you have to participate in many anti-partisan actions?

A I had to carry out many anti-partisan actions because the pressure of these partisans upon us was very great. Not a night passed when some bridges were not blown up; that hundreds of telephone posts and wires were destroyed; even the underground cable structures were continually maimed. I personally was wounded on such a night. There was a great extent of destruction to railroads -- up to hundreds during the course of one night. There were attacks on line troop concentrations which were being moved, and attacks on entire villages. There were attacks on the peace loving population, as well as murder against this population; the burning down of their homes; the burning down of their reserves, their food; the robbing of all their supplies, and there were entire areas which were totally under the control of partisan groups which consisted of thousands of people. They were in complete control of all these areas and these partisans fought, against all international rights, without any uniform clothing, without any uniform insignia, and in the most brutal manner under the direction of these bandit orders which eventually fell into our hands. The losses we had were great, and among these losses was the red cross, medical companies, and medical trucks which were not spared from these Russians.

Q You spoke of the methods of fighting of these partisans. Can you give us some details, any special cruelties used by these partisans?

A I have to state that the bandit partisans obeyed their orders very well. They fought with the order: Treachery and Brutality. We had many cases of bestiality and brutality against German soldiers who fell into the hands of these partisans.

Q And what were these bestialities?

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H0975-0086

A Mutiliations of all sorts. Soldiers were found with their eyes cut out, their private organs cut off, and various other things. And the partisan fought to the last in this valiant battle. Usually, we were only able to overcome them in close combat. It very often happened that he committed suicide or took the hand grenade which he carried on himself and blew himself and the German soldier who wanted to arrest him to bits.

Q You mentioned in your statements that there were Russian orders for these partisans. Did you see or hear of these orders personally, or has one of your men told you about them?

A I am sorry that this order is not here. I personally saw it and read it. In these orders it stated, among other things, that women and children were also to be used in this warfare, at least for reconnaissance duty, and that's what they did.

German harshness in return

Q Was this anti-partisan warfare also carried out harshly by your troops? Above all, were these battles carried out to exterminate Jews and the Slavic population?

A The bandit warfare was hard on both sides. However, I want to state right here that neither I or any of my commanders ever ordered any partisan or anti-partisan warfare for the extermination of the Jews or any Slavic population. We fought against these partisans through need and for our own security when we had to fight against them.

Q In other words, they were purely military reasons?

A Purely military reasons in order to remove the pressure which was upon us all the time.

Q You previously stated the result of this partisan warfare. Can you give us a more complete statement as to the result of this bandit or partisan warfare?

A What do you mean by this question?

Q You stated previously the actions of these bandits, for instance, the blasting of railroads, the cruelties against soldiers and civilians, and so on. Could you give us some examples as to the German supply lines which were endangered by any means?

H0975-0087

A I had a sector which could not be supplied at all by the two roads leading directly up to the front. Also, behind the front lines, as I stated already, there were two large areas which were in complete control of these partisans. We knew, or heard, through interception of radio messages, that Russian paratroops and airborne troops were supposed to land in these sectors in cooperation with these Russian sectors. I was therefore forced to carry out large scale operations against these two areas. There were several divisions involved and I personally gave the order for this operation. The areas especially involved were Vitebsk and Polotzk.

Q The Prosecution has presented a document which is an affidavit by General Haeussinger, No. 20, USA Exhibit 564. General Haeussinger says in this one statement, paragraph 4, page 2, and I quote:

"It was always my personal opinion that the treatment of the civilian population in the operational area and the methods of the anti-partisan warfare in the operational area gave the highest military leaders a welcome opportunity to carry out their goals which is the systematic reduction of the Slavs and the Jews."

I want to ask you, in connection with this one statement, whether or not it was a welcome opportunity for the highest military leaders in their goal to reduce Slavs and Jews? You should know, since you were in command of an army group.

Contradicts Haeussinger

A I don't understand this statement of General Haeussinger. It was our policy to live in good relations with the civilian population, and every partisan behind the front was a pressure upon us. Our front sectors did not have enough forces and, I am sorry to say, we had to use troops which we could not spare from our front lines for these rear actions. I do not see what interest we should have had in the destruction of the Slavs or the Jews.

Q You knew of the order that no prisoners whatsoever were to be taken during these anti-partisan battles with the exception of Jews, agents and commissars, and that between 50 and 100 bandit partisans were to be shot for every German soldier killed.

remember no prisoners order but not 50-1 order

A I do remember such orders, however I do not remember any orders saying

that we were supposed to kill 50 to 100 partisans for every German killed.

Q You stated that you remember such orders. What kind of orders?

A If I remember correctly, there was one which stated that we were to treat these partisans extremely harshly, and to take no prisoners, but I cannot be sure about that. Anyhow, orders like that did not influence me in the least, because we were mostly interested in the fact that discipline of the troops be guarded. In other words, if such orders came to me, I am sure that I did not carry them out or pass them on.

Q Do you remember for certain that you received an order saying that no prisoners were to be taken in this partisan warfare?

A I read all those orders which were in the files, but I do not know whether or not they were actually sent to me. May I add something else to this phase of the questioning?

Q Yes.

A I already stated that within my army sector, "the discipline of the troops was the main point." I very often ordered that soldierly conduct be carried out against these partisans. Wherever these orders were violated and I heard about it, I had these men punished severely. My soldiers very often did not understand these orders because within them lived a spirit of revenge against the bestiality which had been carried out against their comrades.

In addition to that, the large number of prisoners that we took during our partisan warfare proves that we did not kill everybody. During peaceful times, and especially during the large scale anti-partisan warfare, we carried out propaganda activities in those areas in order to get the civilian population on our side. This propaganda was more or less carried out through leaflets which were scattered by planes, and also by agents, and the results were very good.

Q General of the Police Von Dem Bach stated that there was a very large scale of confusion due to the fact that there were not sufficient orders and that due to this lack of orders, a great amount of civilian population was killed. Were there the same difficulties in your area of anti-partisan warfare?

A No, in 1942we received the orders from the OKH concerning the anti-partisan warfare, and that was sufficient for us. In these orders we were told how to fight against these partisans, and if people who were not connected with them were killed during these battles, then it was not the fault of those who fought against these attacks, but the fault of the people who organized this bandit warfare.

In addition to that, the continued bombing attacks against Russian villages caused large civilian casualties, and I do not even want to talk about the German casualties.

Q Who, in your area, was generally considered a partisan?

A We considered the partisan a person who was found with a weapon or a person that was found carrying out an act of sabotage. However, I want to make a statement that the fact that a person did not carry a weapon did not prove that he was not a partisan, because if I remember correctly, in this partisan order there was a statement that in case of danger, their weapons were supposed to be hidden or thrown away.

Q The Prosecution states that the civilian population was treated harshly and cruelly during the action in Pleskau. In order to prevent partisan activities, it was forbidden for civilians to go across any kind of railroads or railroad ties, to walk across fields and to go on the streets during darkness or after sundown. All violations of these orders were threatened by death. How did you guard the railroads in your areas?

A We guarded the railroads exactly as these orders stated, ~~otherwise~~ there was no possible way of safeguarding the railroads. The person who best can judge that is the person who lived through the many attacks that we had on our railroads and bridges. In addition to that, after the end of the war, there was an order in the town that I was living, an American order, which state that any person found on the streets after sundown was threatened with death.

Q Were these sector forces for the railroads strong?

A These sector forces for our railroads were so weak that they, by themselves, could hardly do anything, and orders like this had to be given out in order to give us at least half-way security. If such an order is suppo. to be against humanity, then I do not know what we are supposed to have done in this military crisis.

Q Orders like this, in other words, are vitally important from a

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H0975-0090

military point of view?

A Yes, these orders were absolutely necessary and I believe that they are not against the rights or the rules of warfare.

MR. CONWAY: I would like to have the witness state what he means by "orders like this." Would you have him clarify what he means by "orders like this"?

DR. LATERNSER: He means the measures which I mentioned just now in these last questions.

CAPTAIN TUBRIDY: He would like to have the witness not counsel state what he means.

WITNESS: My statements are concerned with the order which was given out near Pleskau.

BY DR. LATERNSER:

Q Now, a few questions concerning the commissar order. Did you know of the commissar order?

A Yes, I knew of it.

Q In what way and when did you receive knowledge of these orders? In what position were you at the time that you received these orders?

A I received this order during the march into the Eastern sector near Allenstein. I was not, at that time, a member of the army group, but Commanding General of the 41st Armored Corps.

Q Did you receive this order in written form?

A Yes, I had a written copy it -- a printed copy.

Q What was your personal opinion concerning this order?

A I did not agree with this order. In a conference in Allenstein, I stated to General Hoeppner, the leader of my armored group, my ideas against such an order. I believe that General Von Mannstein, who was in charge of the other armored corps in that group, made the same objection. General Hoeppner agreed with us and he stated that he would protest against such an order.

Q What was the result of this protest of General Hoeppner?

A It was without any result. The protest was turned down.

Q Whatdid you do when this protest was refused or turned down?

A The two commanding generals ofmy armored corps, that is, the two

division generals, had also received this commissar order directly. They were of the same opinion as I. During a conversation with these two division commanding generals, I ordered that this order was not to be carried out, and that is what actually happened.

Q Do you remember who these two commanding generals were?

A One was the General of the Armored Troops, Kirchner, at that time Commander in Chief of the 1st Armored Division, and the other was General Landgraf, Commander in Chief of the 6th Armored Division. He is dead now.

Q Did this commissar order have any importance later on?

A No, not in my section. I believe that the whole thing was very soon forgotten.

QGeneral, did you, as Commanding General, speak with other Commanders in Chief at that time concerning this particular order?

A I cannot remember.

Q And now, a few questions concerning destruction.

Did you, during your advance in 1941, see large destruction within the country? In order that this question be clarified, I am speaking about the Eastern campaign.

A Yes, I met a lot of destruction on a very large scale, and I am talking about destruction which was carried out purposely by the Russians, according to the order which was to leave a "scorched earth."

Q Can you give us any specific examples concerning this destruction?

A Destroyed were all larger bridges, larger railroad and street bridges; destroyed were all railroad facilities, stations, watering points for locomotives, and all switches; destroyed or taken away were all factories and industrial establishments. In addition to this, shelters were burned to a very large extent. I heard of one example, for instance -- I personally did not participate in this action, however, I heard it from one of the Commanding Generals who participated in that battle as an Adjutant and he told me about it -- during the occupation of Vitebsk, there were young commandos burning down the city, and to the very big surprise of the troops, the older people of the city were against this burning down.

MR. CONWAY: Don't you think this is a bit far afield? I don't see the point of this.

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CAPTAIN TUBRIDY: The same point was raised the other day. The reason is that the German forces are accused of demolishing buildings and their answers is that they were being demolished by the Russians in accordance with the "scorched earth" policy of the Russians.

BY DR. LATERNSER:

Q Do you know any examples from Jakobstadt, Kalini and Pleskau?

A I personally went through Kajobstadt and Pleskau during the attack with my armored corps, and found both towns in flames, as well as Kalini.

Q Were these towns fired by artillery or could it only have been that they started to burn through the systematic setting of fires?

A I am convinced that they were set afire.

Q How about the reserve stocks of the country?

A All reserves and stocks were either taken away before we came or they were destroyed to a very large extent.

Q What can you tell me concerning the destruction which the German troops are being accused of in the Russian indictment?

A Part of this destruction, as I have already stated, was the work of the Russians themselves during their retreat. In addition to that, large numbers of Russian shelters and homes were burned down, either during the campaign or afterwards during Russian bombing attacks. I want to state, in this connection, in one town only one home was burning and when they left the entire village went up in flames.

Q Did you live through any Russian air attacks in Klien?

A I lived through very many bombing attacks of the Russians in Klien and Viassma, the vicinity in which I had my staff headquarters for a while.

Q And during these bombing attacks, very large destruction was caused in these villages and towns?

A In these bombing attacks, large sections of houses were destroyed, and there were a large number of casualties among our own troops and the civilian population.

Q In Vitebsk, 4 churches were supposed to be destroyed by German soldiers and one was supposed to have been demolished. Is that correct?

A I know Vitebsk quite well, and I found there only one church in which we continually had services, and another church which was damaged but we

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had services there anyhow. Otherwise, I believe that all the other churches in Vitebsk were already destroyed when we got there, but not by us.

Q You mentioned before the City of Klien. What can you say concerning the destruction of the Tschaikowsky Museum?

A I do not know anything about the destruction of the Tschaikowsky Museum. I did not even know of a Tschaikowsky Museum in that town. In addition to that, the situation around Klien in the days of December 1941, was so critical that we did not have a chance to concern ourselves with the Tschaikowsky Museum. We went through Klien and the Moskwa Canal, which is Northeast of Moscow, and during the Russian counter-offensive, we were cut off, which means that when we were in Klien we were cut off from all our other units. We then defended Klien against Russian attacks. Klien was again subject to bombing attacks, and we fought our way back to our own lines. If the Tschaikowsky Museum in Klien was destroyed, then it was due to the results of this battle. At least any person who can judge in any way our position in Klien at that time could very well suppose that it was not important for us to concern ourselves with the Tschaikowsky Museum at that time.

Q There was never an order to destroy the Tschaikowsky Museum in Klien?

CAPTAIN GRISCHOV: If I understood the question correctly, I would like to say here that documentary evidence has already been presented to the Tribunal as proof that the destruction of the Museum had been ordered, and by whom it had been ordered, and I would like to ask concerning that document, whether or not you know of the presentation of this document?

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CAPT. TUBRIDY: I would like to explain that this is the defense apparently opposing that document. The Russian Prosecution will be able to question the witness later on this part of the testimony if it is desired.

BY DR. LATERNSER:

Q I ask you now, and I wish you would answer my question, was any order given for the destruction of this Museum?

A I know of no order which has been issued to destroy this Museum. I personally did not issue such an order.

Q Did you have any planned destruction carried out during your retreat?

A In the spring of 1943, in the northeast of Vitebsk, I participated in the last retreat of the Army Group Middle, and for this retreat, destructions were ordered from above.

Q What was your opinion concerning this order?

A A large number of the destruction which we had to carry out was a military necessity. I did not agree with the order that we were supposed to destroy all Russian homes and shelters.

Q Did you then carry out this order as it had been given?

A I had the destruction carried out with the exception of the destruction of the homes and shelters. After thorough consideration of these matters, I took it upon myself not to have these destructions carried out. They were, in my opinion, not necessary in my area.

Q In other words, you only had these destructions carried out which you considered vitally important for military security?

A Yes.

Q In other words, by not carrying out this order you were disobedient

A I believe that I could take the responsibility upon myself not to have this order carried out since it was not necessary, militarily, in my sector.

Q In other words, the villages, in your retreat towards Vitebsk, were left unharmed?

A I gave an order that the homes which were 5 kilometers from our planned front lines were to be destroyed. In other words, within the

H0975-0095

battle area where these homes or shelters would have been on military sectors. The other shelters were destroyed more or less during our retreat battles, since the retreat was mostly on streets and roads. This was a very swampy area and for that reason there were times when severe campaigns for some of these villages were fought where these roads met. During these battles, a number of villages were fired through battles.

Q Was the Soviet-Russian airforce also used against these villages?

A It was the duty of the Russian airforce to direct most of their fighting during our retreat to streets and villages.

Q What other destructions did you have carried out?

A We destroyed, according to orders, all bridges or railroad material which had been rebuilt by the Germans, and we carried off, as far as possible, all factories which also had been rebuilt by the Germans. And, as much as we could, we tried to carry away most of the supplies and stocks. In other words, we tried to do the same thing as the Russians did before our advance in 1941. In addition to that, the British and Belgians destroyed bridges too, to a large extent as they retreated.

H0975-0096

Q Did these places frequently or several times change hands?

A As faras Welish was concerned, yes, and Denidoff also changed hands several times.

Q I should now like to ask a few questions concerning the treatment of the civilian population in occupied territories. What was the effect of Hitler's orders that in general violations carried on by the soldiers against the civilian population were not to be punished and the relationship between the troops and the civilian population?

Treatment of civilian population

A In general the relationship to the civilian population was a good one. We respected and recognized the will of the civilian population to work, their reserve towards us and also their modesty and I believe that the civilian population noticed that they found peace under my legal protection. I should like to give Tsask as an example of the good relationship between the troops and the civilian population. According to the material submitted by the Prosecution, several serious violations are supposed to have occurred in Tsask.

DR. LATERNSER: If I may interrupt, the violations that witness refers to now are found on pages 4830 and 4842 of the German text of the record.

A This is in complete contradiction to the experience which I am now going to depict. On theanniversary of the taking of Tsask by German troops, the civilian population made a big celebration and to this celebration the troops in Tsask were invited as well as the commander of the division, and other officers. I was given by the Mayor of the town, in the name of the population of Tsask, a note of thanks or gratitude, which I was to passon to Hitler.

Q How did you help the population?

A We helped thepopulation in many respects. After the retreating Russians had destroyed the stores of the civilian population, thepopulation left almost everything. We gave them the small trifles of everyday life; where they lacked food theywere helped in this respect; we increased food rations as rewards; we had to rebuild medical service; we equipped hospitals under German supervision but employing Russian doctors and Russian assistants; we distributed pasturage and acres to the population; we gave

H0975-0097

them seed and we gave them breeding stock; we gave their religious freedom back to them; we equipped churches as faras churches could still be used for feligious services; we installed or reinstated Russian Mayors everywhere; we instituted a Russian Order Police System so that as far as the police system was concerned the population was under Russian jurisdiction. In Vrasma we repaired the theatre that had been heavily damaged andput it to use again. In Vrasma and Witebsk we equipped large cinemas. The civilian population was allowed to attend these showings in the cinemas. We formed a Russian orchestra that also played for the civilian population on different occasions, and so on.

Q What was the legal protection givento the population?

A I already testified that the discipline was the highest objective in my armored division and as far as this discipline was concerned I proceeded against and punished any violations that occurred on the part of my soldiers against civilian population contrary to and with no regard for the Hitler Order. Especially important cases of violations were written up in a report and issued to the troops and made known to every soldier down to the lowest private. The population knew and the soldiers know that if any of them carried out any offenses they would be punished. And the population already knew that as far as was possible they would be protected against partisans.

Q Then you mean to say that Hitler's order, which we mentioned in one of the previous questions, was not put into effect in your district?

A In no way.

Q Did the population have to carry out heavy work for the army?

A Yes. But I do not believe that this work was any more difficult than that which the German population had to carry on at home amongst their ruins. The general work with which the population was charged was road construction, bridge construction , and, very far behind the lines, fortification construction. In winter, of course, they had to see to keeping the roads free from snow.

Q Do you mean to say that this fortification construction which was carried on behind the lines was carried on outside of the reach of fire?

treatment of PWs

A Yes, of course.

Q And now a few questions concerning treatment of prisoners of war. Were any special orders issued concerning the treatment of prisoners?

A As far as the prisoner system was concerned, we in the operational sector had nothing to do with it. We took prisoners and then handed them over to the

H0975-0099

competent authorities. Within our area we kept relatively few prisoners. We used these prisonersto help in the administration, to help with the building and construction, and one company of prisoners each was assigned to Divisions. We had nothing to do with the prisoner camps.

CAPTAIN TUBRIDY: Who were these "competent authorities" to whom you handed over the prisoners.

A The Army Groups.

Q Dr. Laternser; yYou mean to say, then, that the prisoners that were taken were within the area of an army for only a short time, or temporarily?

A Only temporarily. We were glad to be rid of them because we did not have sufficient personnel to handle them and such personnel was lost as far as front duty was concerned.

Q You just said in answer to the question to whom were they handed over that the prisoners were handed over by you to the Army Groups?

A Yes.

Q Were the prisoners handed over to the army groups supposed to stay with the army group or did the army group in its turn hand over the prisoners to other authorities?

A These prisoners were handed on to other authorities, towards the rear.

Q Then you mean to say that the prisoners remained with the army group also only temporarily?

A Yes.

Q And to whom did the army group hand over the prisoners.

A I do not know exactly. I believe there was a special organization as far as the prisoners were concerned, and this organization was not under the command of the army group.

Q And the prisoner collecting camps were under the command of this organization, which you do not know exactly what it was?

A Yes.

Q Was it customary for prisoners who had been taken by the army to be handed over to the army group, or wasthere not a time when the army handed over its prisoners directly to this organization?

H0975-0100

A That was the case later on.

Q I only wanted to suggest this to you because the Army Group was an operational staff and did not have troops of its own at its disposal. Is that not right ?

A That is correct, as such, but considering the gigantic numbers of prisoners that we took during these first battles, the Army Group had to help us to digest these prisoners.

Q Was the aid of the Army Group made use of only because of these general circumstances and conditions, or had special instructions been given to this effect?

A As far as I know, the assistance was only a help given us by the Army Group but was not work that had been instructed to be carried out by higher authorities.

A Then the normal pathway of a prisoner would be from the army that took him prisoner, directly to the organization under whose jurisdiction the camps were. Is that correct?

A Yes.

Q Do you know, witness, that many Russians prisoners died?

A Yes.

Q Do you know that of your own knowledge or have you heard of this?

A I took part in the Wrasma Battle. During the time of the Wrasma Battle we took several hundred thousand prisoners within a few days. No army can handle such an enormous number of prisoners without casualties and that, in my opinion, isthe explanation that a number of prisoners died. First (1) of all there was a lack of housing, the houses had been partly destroyed, as I said before. Secondly, it was impossible (2) to have made sufficient preparations for this mass of men. It was absolutely impossible to prepare camps for such a mass of people and food for such masses was also impossible. First of all, (3) the stores within the country had been destroyed; the transport (4) system had been destroyed so that any supplies for these masses of prisoners could only be carried out with difficulties from Germany, or was impossible. Another thing, (3) the mass of prisoners was half-starved when they fell into our hands for even prior to his being taken a prisoner the Russian had suffered from very great

H0975-0101

want. Besides, German troops also had to starve at that time. Because there were no transport facilities it was impossible to transport or remove these huge masses toward behind the lines and because the few roads and bridges that had been repaired were needed for our reinforcements and supplies.

Q Why were there no railways?

A They had been completely destroyed by the Russians upon retreat.

Q And therefore they had to be repaired and the guage had to be reset?

A Resetting the tracks was the easier part of the task but repairing the bridges and stations was a gigantic undertaking.

Q The Prosecution maintains the many Russian prisoners froze to death

A That too may be correct, because of a lack of any housing at all for such masses of people. A large number of German soldiers also froze to death

H0975-0102

during the severe winter.

Q What about the general health of the Russians ?

A I already testified that the physical condition of the Russians when taken prisoners was on the whole bad because of hunger. Moreover, the section of the Army Group Center was badly hit by spotted fever and these weak Russians of course were especially susceptible to all diseases. But I do know that as far as was possible we used our own doctors to help.

Q Was everything possible done to alleviate the conditions, that is, as far as the means were concerned that the commanders had at their disposal ?

A We helped wherever we could.

Q Did conditions for these prisoners improve afterwards ?

A The conditions improved greatly afterwards. The prisoners with our troops were treated well. The prisoners within our army sector, who were relatively few in number, were taken care of in every respect. The best proof of this fact that the prisoners felt at home with our troops was that on the retreat they retreated with us, they did not escape when possibility for escape was given to them and they even fought with us during battles.

Q I should now like to ask a few questions concerning Warsaw. General of Police, v. dem Bach, testified concerning the uprising in Warsaw the summer of 1944, that the army authorities also were held responsible concerning the violations that occurred in Warsaw at that time. Are you able to give any information on this question ?

A Yes. Warsaw was in the sector of my Army Group Center which I commanded at that time.

Q Did you, as Commander-in-Chief of Army Group Center give any orders for the suppression of this uprising ?

A I took over this Army Group on 16 August 1944 and at this time the fight against the Warsaw uprising was already in full swing. Von dem Bach was not under the command of the Army Group, though, as far as the battle in Warsaw was concerned, but he was under the immediate jurisdiction of the Reichsfuehrer-SS and he had received his orders from him concerning the suppression of this uprising.

Q Did the 9th Army also belong to your Army Group ?

A Yes.

Q What was the mission of this 9th Army in Warsaw ?

A The 9th Army as well as myself were especially interested in the suppression of this revolt as far as the Army Group was concerned for the Russian attack was pressing on Warsaw fron the East and it was only a matter of time until the Russians would have reached the Weichsel near Warsaw. Therefore we had a special great interest in seeing that the revolt or uprising in Warsaw was suppressed as soon as possible. As far as the battle situation in the remaining front admitted, I met von dem Bach in Warsaw. I had previously heard through the 9th Army that atrocities had been committed in Warsaw. I had no right to interfere here but as far as I was concerned that was not necessary and I would have interfered anyway. The SS Brigade Kaminsky, which consisted entirely of Russians, was already being withdrawn from Warsaw because this brigade had committed the atrocities. Kaminsky and other leaders who had had a hand in these atrocities were placed before a tribunal and shot. The suffering of the Warsaw refugees was being attented to in a really exemplary fashion by a camp that had been instituted within the 9th Army by the SS leadership but with the help of the army. This camp was at any time accessible to the Polish Red Cross and to International Commissions who were present there. The 9th Army and I, therefore, only took action in the battle in Warsaw in so far as our own position at the front allowed us to do so. That is we instructed von dem Bach in Warsaw to conduct his battle in such a fashion that if possible at a very early date the western bank of the Weichsel would fall into our hands because our forces had to build a fortification or a defense position on this bank of the Weichsel.

Q How did the fight for Warsaw end ?

A At the conference that took place in Warsaw between von dem Bach, myself and leader of the 9th Division, we decided that the best way of ending this sould be to capitulate if only to save unnecessary deaths. This decision was transmitted by von dem Bach to his official authorities and by myself to my superior, Guderian. Soon afterwards a capitulation conference and negotiations were started. The negotiations for capitulation which were led by higher authorities were then sent to General Bor, signed by myself. At first General Bor unfortunately refused although he had been assured from the very beginning that all his insurgents would be treated as soldiers. Then very soon afterwards the capitulation did take place of the remaining insurgents and these insurgents were removed as prisoners of war under the command of General Bor

H0975-0103

H0975-0104

and his chiefs.

Q In order not to create any misunderstanding, does your testimony concerning the Warsaw capitulation refer only to September 1944 ?

A I do not understand how you mean ?

Q I mean that Warsaw capitulated once before, within the Polish Command, in 1939. I just wanted to have it quite clear on the record that you refer only to 1944.

A That is quite clear.

Q Is it correct that General von dem Bach was given the Knight's Cross for his suppression of the revolt in Warsaw ?

A Yes.

Q Von dem Bach maintained here, during interrogation, that this decoration was given him by the Army. Is that correct.

A That testimony is not correct. Von dem Bach's decoration of the Knight's Cross came as a complete surprise to me. I neither handed in his name for this decoration nor was I asked concerning it.

Q After the end of active fighting in Warsaw the city was to be destroyed entirely. Who issued this order ?

A This order was handed directly through the Reichsfuehrer-SS to General von dem Bach. I had nothing to do with this order.

Q Did any office of the army whatsoever have any hand in this order ?

A Certainly not the Army nor the Army Groups.

Q Can you give information as to how the destruction of Warsaw took place ?

A Seen from a military point we were not at all interested in this destruction. On the contrary, we interfered and tried to see to it that this city, which was already badly destroyed, would remain as it was to offer cover and shelter for our troops. Whatever was destroyed in Warsaw was then destroyed by blasting commandos under the command of General von dem Bach. I do not believe that very much was destroyed for very soon afterward the front had moved up to the Weichsel and Warsaw was in the range of Russian

H0975-0105

artillery fire so that the blasting commandoes could not have done very much more in Warsaw. I do know that the commander of the 9th Army had given instructions to his army and his troops that lootings and plunderings by soldiers were to be prohibited.

Q. And now a few general questions. What is your attitude concerning the question of duty of obedience of a soldier? Obedience of a soldier

A. I am an officer from the time of the Kaiser. As far as I myself am concerned, discipline and obedience is considered by me above everything for a soldier. I am of the opinion that no soldiering done, as such, is possible in any country without absolute obedience, and I know that this is the same practice in other armies . I spoke on this question with several Russian officers who had been my pupils for two years, and who admitted and confirmed this attitude in every way.

Q. Did this, your conviction, give you any difficulties during the war, above all as far as orders were concerned, which in your opinion were not quite proper?

A. We had been trained that our obedience was to extend only so far that it did not ask of us to commit any illegal offenses. An added difficulty during the war was that as such, order as had been issued by Hitler were legal, by an act of the Reichstag. Another difficulty was that International Law left a great number of doubts and loopholes concerning the waging of war.

Q. What means did you have at your disposal to oppose orders with which you did not agree?

A. I shall have to distinguish here between orders that led to conflict with International Law, and those with purely tactical conflicts. As far as orders were concerned that might lead us to difficulties as far as International Law was concerned, the von Brauchitsch Order helped us. That order said that discipline of the soldier was to be placed above everything

H0975-0106

and that is the method I used to disregard such orders. As far as the many orders were concerned which led to tactical military difficulties and commanded faulty leadership rights, we had to decide ourselves within our own inner conscience as to the steps we were going to take. We all had to carry out severe struggles concerning obedience, duty and responsibility. I believe I am qualified, as the Commander-in-Chief who was at the East for the greatest length of time, to give particular special testimony about this.

Q. If you wanted to raise any objection to any order, was it possible for you, as Commander-in-Chief of an Army, to ask for a personal interview with Hitler, or what channels did you have to apply to in order to make your opposition known?

A. I raised objections repeatedly, orally and in writing, and made other suggestions, but alw ays with the Commander-in-Chief of my Army Group. It was not possible for me to apply directly to the O.K.H. or to the Fuehrer.

Q. That is to say you had to adhere to the official channels?

A. Yes, to the official channels, that is to my commanding officer of the Army Group.

Q. What success did any such oppositions have?

A. Very often General Kluger and General Busch, my two commanding officers, interceded or approved my orders, and handed them on. Once in a while my suggestions were successful, but very often they were pushed aside.

Q. If such orders which, in your opinion were incorrect were nevertheless sustained, did they frequently lead to the mis-success of being carried out?

A. Yes, we might have been able to avoid many of such mis-success.

Q. Did such unsuccessful operations not convince Hitler for the better in later cases?

A. No, for then the very worst thing occurred, that is we were suspected.

H0975-0107

Q. That is, the fault was always looked for with the General

A. Yes, I might add here that considering the Russian offensive in the summer of 1944 that was just at hand, we wanted to shorten our front line. This viewpoint which was presented by myself and also by the commander-in-chief of the army group, was rejected. What we had predicted did really happen, when parts of the jutting out positions were cut off and lost later. The effect of this was that two days after this unsuccessful operation, Busch was recalled, and that Court Martial was instituted against the leaders of the Army Groups and the generals who had been taken prisoners because of intentionally carrying out treason. These proceedings were after a short time broken off as entirely without basis.

Attitude of Hitler to Generals

Q. How did Hitler happen to arrive at this attitude concerning his generals?

A. His mistrust towards the generals increased during the war tremendously. He maintained that we always opposed him, we were considered pessimists and weak people, leaders who did not lead boldly enough. Everyone will realize what that meant for us. He was strengthened in his mistrust by people who were irresponsible, and without proper knowledge.

Q. To which circles did these incompetent advisors of his belong?

A. They were Party members.

Q. How were you able to bring such positions and your contradicting attitudes into accord?

A. After the final decision against us there were no further means at our disposal. It was out of the question that I should refuse to accept responsibility; for one thing I considered it unsoldierly, and for another thing, it would have availed nothing. It was forbidden to report as being ill. That would have been considered cowardice and desertion. Besides, as far as my soldiers were concerned, I would have considered this treason towards them because they too were not allowed to report as being ill if something did not suit them. The only measure left was

H0975-0108

to ask for dismissal from one's post, but even that was not possible. The Fuehrer had given express orders that he alone would decide for what length of time anyone would remain in office. In spite of this I asked for my dismissal while I was at the East, not once, but several times without any consideration of the consequences that might result. If I remained in office in spite of this, this was due to the Commander-in-Chief of my Army Group. The conversation that I had with Field Marshall Kluge at that time, after one such incident, will probably give the best example of what I mean. Field Marshal von Kluge said to me "You have my full confidence, your troops trust you. If you leave now there will be a new commander-in-chief and he will probably be a man your troops do not trust, because they do not know him, and probably a man who is more comfortable as far as higher authorities are concerned". Therefore I remained until I was discharged in January 1945.

Q. Did not Hitler himself set an example of how such a commander was to be treated a short time after the beginning of the campaign by the dismissal of Hoepner?

A. The Hoepner case was the first one where a commander-in-chief was discahrged, accused and sentenced.

Q. What were the reasons at the time for this blackening of his name?

A. I do not know the details. It was because he had disobeyed an order that had been issued to him.

Q. And what were the results, the consequences that Hoepner had to sustain?

A. A sentence passed by court-martial, discharge from the army, and persecution of his family.

Q. All your testimony leads to the conclusion that conditions might have been changed if it had been possible to eject Hitler.

A. Yes.

Q. And when would the position have been expedient for such an act?

best time to eject Hitler

A. After Stalingrad.

Q. Are you of the opinion that, by united action of the highest military leaders, Hitler might have been forced to abdicate?

A. I consider it i possible that the Fuehrer would have let himself be forced to do so.

Q. And you do not think that he could have been convinced of any better attitude, I mean by a united action of the highest military leaders?

A. No.

Q. There are two further subjects I should like to discuss with you. The Prosecution has submitted an Affidavit No.1, USA 531, given by General Halder, and in the last paragraph of this affidavit, General Halder says the formation and composition of this orfanization is shown by the accompanying sketch. I would like to submit this sketch to you, and then ask you a few questions concerning it. This sketch is part of the Exhibit USA 531 which I have just mentioned.

Sp. Sketch

(Document handed to witness.)

DR. KEITNER: The question comes up whether the witness was a member of that Group at that time.

CAPT. TUBRIDY: Can you qualify the witness to show he is competent to testify to the correctness of that sketch?

DR. LATERNSER: I asked the witness at the beginning of the interrogation if he was, and he answered in the affirmative. As the previous commander-in-chief of an Army and an Army Group, he is a member of the group.

CAPT. TUBRIDY: Of what does the sketch consist?

DR. LATERNSER: This sketch is concerning the composition of the highest military leadership group.

CAPT. TUBRIDY: I think the witness may give testimony regarding that.

BY DR. LATERNSER:

Q. Will you please tell the Commission in which respect this sketch is incorrect?

H0975-0109

A. The sketch is incorrect in so far as Keitel has been presented here as being a superior of the three branches of the army. The commanders-in-chief of the three army branches were under the immediate command of the Fuehrer and not under Keitel.

Q. Then you would say that the sketch is wrong?

A. Yes, it is wrong.

CAPT. TUBRIDY: In that respect.

DR. LATERNSER: Yes, in that respect.

Q. Concerning this sketch which I have just showed to you, General Halder says in his last sentence that these military leaders represented the actual General Staff and Supreme Leadership of the German Army. Is it, in your opinion, correct if Halder designates these people as the actual General Staff?

A. The General Staff consists of the leadership assistants and their respective commanders.

CAPT. TUBRIDY: Dr. Laternser, don't we have in evidence official German documents as to what the General Staff consists of, and if so, I think testimony by this witness would be unnecessary on that point.

DR. LATERNSER: Very well.

(A recess was taken until 1400 hours).

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(THE COMMISSION CONVENED AT 1400 HOURS.)

DIRECT EXAMINATION RESUMED.

BY DR. LATERNSER:

Q The prosecution in its case against the General Staff has presented Affidavit No. 2, U.S. 532. It is an affidavit signed by Field Marshall Von Brauchitsch. I quote from page 2: "The organization and the chain of command of the organization is as on eht enclosed sketch."

(THE WITNESS IS HANDED THE DOCUMENT.)

again sketch General, I want to show you this sketch and I want to ask you whether the organizations on the sketch of the highest military leaders is correct.

A The same mistake is in this sketch as was in the sketch which was presented to me this morning from the affidavit of General Halder.

Q General Von Brauchitsch designates in the last paragraph of this affidavit the highest military leaders as a group. In connection with this designation, I should like to ask you the following questions: Is it true what the prosecution states in its indictment that the highest military leaders form a group or organization and that the goal of this group was to bring about an aggressive war and the aggressive war was determined not to guard the international rights?

no gp

A No, that is not correct.

Q I have no further questions.

CROSS EXAMINATION.

BY DR. KEMPNER:

Q You were in two periods as a teacher at the Military Academy. Is that correct?

A Only four years as a teacher and four years as chief of the army training program.

Training period

Q From 1927 to 1931?

A Yes as a teacher.

Teacher + organiza

Q The second time was from 1933 to 1937? Is this correct?

A Yes.

Q In other words you have very complete information concerning the military training?

H0975-0112

A Yes.

Q Where was the school located where you taught?

A It was in the OKH Building in Berlin and a part of the army training program.

Q Where was it located in Berlin?

A It was in the building of the OKH in Berlin in the Bendlerstrasse.

Q The means at your disposal were very limited and primitive. Is that correct?

A Yes, they were limited just like everything in connection with the Reich army at that time.

Q That was due to the Versailles treaty. Is that correct?

A Yes.

Q Pretty bad situation, was it not?

A To what extent?

Q From a prosperity point for the job.

A Yes, it was limited.

Q It was one of the restrictions of the Versailles Treaty which you considered unfair. Is that correct?

A The leadership aide training was allowed, was it not?

Q I asked you a question, please answer it.

A I said that the training of leadership aides was allowed.

Q In other words you want to say that was enough for Germany what was done at that time?

A Yes for the 100,000 men army.

Q Did you regard the 100,000 men army as enough?

A No.

Q You wanted a larger army, is that right?

A Yes.

Q To secure better training possibilities?

A The training in the 100,000 man army was excellent.

Q Yes. I would speak about the training, that would have been necessary for a large army. In 1933, we turn to the training program, is that right?

H0975-0113

A Yes.

Q From then on it developed pretty well, is that correct?

A Yes.

Q It was due to the changed political situation, is that correct?

A Yes.

Q You have to thank the Fuehrer for that?

rearmament

A Yes, the larger army.

Q I would like to know from you what differences you welcomed most, what changes. I mean between the dates of 1927 to 1931 and 1933 to 1937.

A The enlargement of the army and equipment with modern weapons.

Q What were the modern weapons?

A Armored vehicles, heavy equipment and anti-tank artillery.

Q Was the whole system psychologically speaking entirely different?

A Yes. While we had the 100,000 men army, we considered that army totally insufficient for the protection of Germany, especially considering our well armed neighbors.

Q Then later on it was a joy to be a soldier. Is that correct?

A Yes, I felt the same way as every other officer the need for an enlargement of the army.

Q That was not only your own personal feeling, but also of your comrades?

A Yes.

Q You talked of it quite often?

A Yes.

Q You spoke with many of your comrades of the General Staff concerning this?

A Also.

Q You were a member of the Schliefen society. Is that correct?

A Yes.

Q And the men of the Schliefen Society always stuck together and had the same ideas. Were these the same gentlemen that talked to you about this?

A We were comrades from the first World War. We met once a year on Schliefen's birthday and after this dinner we had a meeting. There was very little connection.

H0975-0114

Q How many general staff officers in the course of the years went through your hands?

A I had about twenty students every year. There was not quite 100 in the four years.

Q In other words you had about 100 students from 1933 to 1937?

A From 1927 to 1931 there were not quite 100 students.

Q From 1933 to 1937?

A I did not have any students at that time. I was chief of the army training system and I only had my working staff.

Q Do you know as chief of the army training system how many had that kind of training in the four years? I mean the General Staff training.

A It was about the same [illegible] year.

Q There were more between 1933 and 1937 than there were between 1927 and 1931. How many more?

A There were more, but I do not know exactly how many more. I had nothing to do with this training.

Q Would you say twice as many or 50% more?

A I would say about 50% more, but I do not know exactly.

Q Were these officers that went to the War Academy and received this training something special, which other officers were not?

A It was a selection of officers which later on showed they were very well selected, according to character, training and general attitude.

Q The persons were selected as to theircharacter, point of view, etc. Is that correct?

A Yes.

Q And you people had special traditions. Is that correct?

A Yes.

Q They were proud they reached their goal of taking general staff officer's training?

A Yes.

Q Am I correct when I say a person was not elected or named tothe general staff, but one was selected or grew into it?

A That is correct.

Q Traditions, training and the elite were the special order.

H0975-0115

A Yes, they were supposed to be the best officers of the year.

Q The best officers from the entire army?

A Yes.

Q Did you, as one of the chiefs of the army training system, follow the career of your students?

A Yes.

Q You were naturally interested?

A Yes.

Q Did all these men amount to something special?

A Most of them, yes.

Q Would you say the big majority?

A About two-thirds.

Q You can meet them all over in the key positions, is that correct?

A Yes, they were represented in all the general staff positions.

Q They were the people who had the key positions, they did not stay at the bottom, is that correct?

A Yes.

Q Now we will goto another part and I will be quite scientific with you. Between the years of 1927 to 1931 were there any National Socialistic teachings in the general staff school?

A There were no National Socialistic teaching between 1927 and 1931.

Q Then came the so-called change?

A Yes.

Q Who spoke to the officers at that time.

A I do not know because I did not have anything todo with the training any more.

Q But, you were in charge of the army training system, were you not?

A Yes.

Q Did the party get in touch with youso that National Socialistic teaching would be taught in the General Staff School in the organizations under you?

A I had nothing to do with the speeches that we had before the military academy later on.

Q But you knew they were being held?

H0975-0116

A Yes as I heard some.

Q Whom do you remember for instance? Do you remember Ley or Goebbels?

A I remember Goebbels. I do not know Ley.

Q Goering?

A I don't know.

Q Hess?

A Yes.

Q Hoenfeldt?

A Yes.

Q Rosenberg?

A I don't know.

Talks at War Academy

Q Whom else do you know?

A I have no specific information concerning the military academy. I remember these, but I do not know if the Prosecutor is speaking of the speeches in the Reichs Building which was held for the entire officers staff.

Q Your officers were in the Bendlerstrasse. Was that the headquarters of the German Army at Bendlerstrasse?

A Yes.

Q Who spoke there?

A There was actually one speech a week there.

Q Who spoke there?

A Various men spoke there.

Q Goering?

A Yes.

Q Goebbels?

A Yes, and Himmler, Hessand Mrs. Scholtzklink.

Q Who was Mrs. Scholtzklink?

A The Reichs woman leader.

Q Rosenberg?

A Yes.

Q Sauckel?

A I don't know.

Q Speer?

A No.

Q Frick ?

A I don't know.

Q Whom of the prominent Nazi members do you remember ?

A I think I named them all that I remember.

Q Did these people tell you that the German army had to become more National Socialistic ?

A That was not said in these speeches.

Q They only wanted to bring the students close to the National Socialist movement. Is that correct ?

A Everyone spoke in his scope of work concerning the National Socialist goals.

Q Did these people tell you it was necessary that the army and individual groups should work together in order to build up a new Germany ?

A Yes, it was said that we all had to work together.

Q To build up a better Germany ?

A Yes.

Q What at that time did you understand by greater Germany ?

A To bring Germany out of the need it was in 1933. Its industry and its inner political formation according to the numbers.

Q Because of its number and population of sixty millions, Germany was regarded to be too small, is that right ?

A Yes.

Colonies back

Q Where did these gentlemen say you should get more land, you know there were several theories ?

A We wanted our colonies back.

Q Was there not another scope of thought that you need more room in the east ?

A Yes as far as the German areas in the east were concerned, we also wanted them back.

Q And something additional, is that correct ?

A I don't believe so.

Q Did you say I don't believe so, or I don't believe it ?

A I don't know.

Q Did you read the books of Rosenberg ?

H0975-0118

A No.

Q Did you ever hear the theory of Lebensraum ?

A Yes, I heard of it.

Q What is the theory of Lebensraum ?

A The enlargement of the area of the country according to the number of people and thus the people would be able to assist and feed themselves.

Q Were you a follower of this theory ?

A Yes.

Q By the way, did Streicher speak at one of the meetings ?

A No, I never heard Streicher.

Q You were a follower of the Lebensraum theory. Did you believe that more space could be gotten through peaceful negotiations ?

A Yes, I believed it. I also believed that we could get back our former German colonies.

Q Did you really believe that the old German areas and colonies were enough living space ?

A Yes if they were populated densely.

Q You believed that it could be reached by discussions, did you not ?

A Yes.

Q Did you believe if there was a strong army to back them up, the discussions could be carried out more effectively ?

A Yes.

Q Are you a jurist ?

A No.

Q Then, I will ask the next question a little bit differently. When did you know that if the discussions could not be done peacefully, the Fuehrer was ready to use force.

A From the time we started the war in Poland, not before.

Q You did not believe that the Fuehrer acted according to the idea : If you don't want to do it peacefully, I will use force ?

A No, I did not believe so. In fact, I admired him for the diplomatic gains he made in Austria and Czechoslovakia where we reached our goal without bloodshed. I already stated formally that we that lived through World War 1 knew the strength of our neighbors and did not consider a new war possible.

Q You agreed with the Austrian and Sudetenland matters as they went off

H0975-0119

without a battle ?

A Yes. I made the occupation of the Sudetenland together with my troops and I looked at the great throngs of cheering people that met us.

Q In other words you received more Lebensraum and you wanted it ?

A Yes.

Q Now, I am coming to a different chapter. When did you realize for the first time that orders and directives from the Fuehrer were criminal ?

A The first directive from the Fuehrer which came to my attention and which I considered as such was the Commissar decree.

Q When was that ?

A That was before the Russian campaign. About 14 days or three weeks before the campaign started in the east.

Q That was the first criminal order with which the army had any connection ?

A Yes, that was the first order which we had to do with directly.

Q You know that the so-called Fuehrer gave out various other criminal orders before that ?

A I don't know what you are speaking of.

Q I am speaking concerning the Jewish question.

A Yes.

Q When did you realize that the Jewish question and the mistreatment of political prisoners was a criminal act ?

A During the days of the anti-Jewish activities in the fall of 1938.

Q Was that the first sign ?

A That was for me the first open sign.

Q Did you hear of the mistreatments in concentration camps before 1938 and after ?

A No.

Q In other words it started in 1938. When did you first realize the difference between the order on one hand and something higher than the order on the other hand.

A Right away when we received the Commissar decree.

Q Did you never realize that one could refuse any criminal orders, according to the Reichs Military Law 64 ?

A I did refuse it.

H0975-0120

Q But you never drew the final consequence ?

A I forbade the carrying out of this Commissar order for my sector, as I stated this morning.

Q Did you ever teach concerning the power of jurisdiction in the Military Academy ?

A Yes.

Q What did you yourself teach what is higher than the regular military order.

A A military order is to be carried out, with the exception of the military order which requires you to act against the law.

Q What examples did you quote from the Prussian German history concerning this ?

A I cannot remember any special examples from the history.

Q The book from Rosenberg ?

A The case of York von Wartenberg was discussed, who in a special position refused an order.

Q Did you ever think of these matters later on in your career ?

A More than once.

Q Do you know of any other general staff officers or high officers that remembered things like that which they learned from you ?

DR. LATERNSER : I object to the question as the witness cannot say what other general staff officers thought.

CAPTAIN TUDRIDY : He can state what they thought if he knows.

DR. LATERNSER : The question was not put that way.

DR. KEMPNER : What do you know from persons with whom you were in contact ?

THE WITNESS : The men and the chiefs of the various armies did discuss among each other the difficulty in giving out the orders which we did not agree upon.

CAPTAIN TUDRIDY : It can be assumed that he knew what his associates or persons with whom he was in close contact thought.

DR. KEMPNER : Whom for instance was in such a conflict of ideas and thoughts ? Who talked to you about it ?

THE WITNESS : The Commanders in Chiefs of the army groups when we came together for discussions.

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DR. KEMPNER : Please mention several names.

THE WITNESS : General Henritz and at that time General Model.

BY DR. KEMPNER :

Q You discuss the orders with them. Am I correct in saying that some of the orders of Hitler were of a criminal nature ?

A No, I am not speaking here of criminal law, but of military tactical orders.

Q The Fuehrer very often interferred with you. Is that correct ?

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A. He very often ordered things which were not correct, according to our opinion.

Q. Would you state that you would have had a better result in this war if the Fuehrer had not interferred constantly ?

A. Yes. I very often was of the opinion that it would have gone better.

Q. That is all I have to ask but there are certain things which we discussed this morning and one of my colleagues would like to ask a few questions.

BY MR. CONWAY:

Q. I am working with Dr. Kempners' office on the testimony of the witness for the High Command.

General, this morning when you were discussing anti-partisan activities you told that you had participated in these activities, but you did so only because military necessity required it. You had no part in the extermination of Slavs and Jews ?

A. That is correct.

Q. During the course of your examination, you made the statement that you did not see what interest "we" had in the extermination of Slavs and Jews, is that correct ?

A. Yes.

Q. When you said "we" am I to assume that you meant yourself and other military leaders with whom you spoke ?

A. I speak generally for all soldiers from all ranks.

Q. You don't speak for Hitler ?

A. No.

Q. You had plenty of reason to know that Hitler and the politicians had interest in exterminating Jews and Slavs, did you not ?

A. I do not know of any reason and if there had been any reason, I would never have joined in it as I did not feel the same way.

Q. The other day when you were discussing your feelings with respect to Hitler, when he first came to power, you said that you excused certain violations on the grounds that it was irrelevant. Is that correct ?

A. Yes, I explained some of these murders and massacres with the Revolutio however, I did not agree with that.

H0975-0123

Q. I might understand that some of these excesses and violations to which you refer at that time involved Jews, did they not ?

A. Yes.

Q. When Hitler came to power, do you recall that he attempted to make political use of the Officer's Training School and had the students in that school to demonstrate in his favor ?

A. Demonstrations to what extent ?

Q. To go out and make public demonstrations of allegiance to Hitler, even though they were in the officers training school under an army command.

A. That only concerned the warrant officers school in Munich at the beginning of National Socialism in 1923.

Q. Did you consider that a political activity on the part of the military

A. Yes, it was the wrong act and I believe many of these warrant officers did this since the name of Luddendorf was connected with the movement. There was discipline because of this and the action from a stand point of an office was incorrect.

Q. Are you familiar with the planning of the political activities during the rise of Hitler to power in 1933 of the Bavarian Division ?

A. No, I was not in Bavaria at that time and do not know it.

Q. If I were to tell you that Field Marshall Von Rundstedt said that the Bavarian Division joined Hitler in 1933 and the Generals were angry over it, would you believe it ?

A. I can imagine that they did not like it. I do not know if it actually happened because we always wanted to remain non-political.

Q. Were telephone wires intercepted before the war by the Nazi Party ?

A. No, I don't think so.

Q. You feel that they were not ?

A. I believe yes.

Q. Would you have known if they were ?

A. I was commander in Wurzburg, nothing like that happened to me.

Q. If something like that did happen, would you have complained to the proper parties ?

A. Yes, if I would have found out something like that.

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Q. Did you not just a few moments ago tell Dr. Kempner that you were familiar with certain anti-Jew activities of the Nazi party in 1938 ?

A. I lived them in Wurzburg.

Q. You did have some reason to understand what interest Hitler had in exterminating Jews and Slavs during the Russian campaign ?

A. I always deplored such actions.

Q. And you did have certain incidents, which happened in Hitler's rise to power, which would lead you, as a military man, to believe he would interfere in sufficient or subsequent time with the military ?

A. No, he did not interfere with the military circles, starting with the war and during the Polish campaign. As far as I could see Hitler did not interfere at all in the military leadership. The first interferrence from Hitler came during the French campaign. I wanted to advance toward Calais and Dunquerk. We had to stop and that was a big tactical mistake.

Q. Please answer this "yes" or "no". Is it your contention that prior to the war and even during the Polish campaign, there was no indication to you as a General and an intelligent man, to expect interference in military affairs and the execution of these by Hitler ?

A. Yes.

Q. You have testified that if outsiders were killed during partisan activities the responsibility for such deaths was with the partisans and not with the German troops ?

A. Yes.

Q. You make no exceptions to that ?

A. I do not know of any exceptions in my sector.

Q. You have also told us that the population knew that they were being protected by you from the partisans. The exact phrase you used was :"The people knew they would be protected against the partisans." Is that correct?

A. Yes.

Q. The people to which you refer are the people who were friendly with the Germans ?

A. Yes.

Q. You testified with respect to the Polish uprising in 1934 in Warsaw ?

A. Yes.

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Q. I would like to clarify in my mind how extensive were the activities of your troops. Did you tell us that your troops did not partici.te at all?

A. No, not of our army group. The troops which were supposed to be used to put down this riot were given to a commander directly from headquarters of the OKH through the Reichsfuehrer SS.

Q. Am I to understand by the Commanding General of the Police von dem Back Zelewski ?

A. Yes, General Bach-Zelewski was in charge of the battle in Poland directly under the Reichsfuehrer SS.

Q. I think you said that the personnel of the Warsaw insurgents constituted quite a military group ?

A. Yes, the Polish uprising consisted of seven to eight thousand Polish soldiers.

Q. Nevertheless, you said that the troops that General Back-Zelewski had at his disposal were given to him directly from headquarters ?

A. Yes from the OKH and from the Reichsfuehrer SS.

Q. And the troops who came from OKH were not special Einsatzgruppen troops, were they ?

A. No, they were not Einsatzgruppen troops. They were only engineers and heavy artilery men, however, most of the men under Zelewski were police and SS formations.

Q. These troops that came from OKH had they, to your knowledge, been especially assigned to General Zelewski to put down this uprising ? Was it a special assignment.

A. Yes, they were brought in from the outside and directly put under the command of General Zelewski.

Q. The military situation with respect to your troops and your combat with the Russians at that time was quite urgent was it not ?

A. Yes, at that time we were taxed alon the entire front of the army group

Q. You were quite interestin having the up-risin kept down, were you not?

A. Yes, we were very strongly interested that this uprisin was to be put down as fast as possible.

Q. You needed a certain territory that was bein held by these rebel insurgents in order that you might retain and use them as fortifications

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in the fight against the Russians, is that not so?

A Yes, I needed the banks of the Wista which was part of our defense lines.

Q And yet you did not dispatch any of your troops to stop this uprising, although you knew the special troops of artillery and engineers had to come from outside your district?

A The battle and entire action was under the command of General Zelewski and I only gave the order so that the banks of the Wista would be as clear as possible. At that time when the action broke out I was not then commander in chief of the army group.

Q But you did come on the scene as commander in chief when the resistance was stillenduring?

A Yes.

Q I would like to read to you a small part of Affidavit 14, which is the Affidavit of General Von Dem Bach Zelewski.

DR. LATERNSER: I don't believe that this sworn affidavit has as yet been presented before the Tribunal. Zelewski was questioned as a witness but I don't believe that the affidavit has been presented as yet.

MR. CONWAY: I am not offering this as evidence, but I had the impression that it was before the Tribunal, however, I may be mistaken. In any event, I am only attempting to read a section and to have the witness follow me in German as to what is carried in this paper.

CAPTAIN TUBRIDY: He is merely asking a question.

DR. LATERNSER: I object to the use of this Document.

CAPTAIN TUBRIDY: Mr. Conway is just taking a statement out of the affidavit and asking the witness if he agrees with it. It is merely asking a question.

DR. LATERNSER: I wish to get a copy in that case.

MR. CONWAY: I have only one copy. Would you mind looking at it while the witness is looking at it?

CAPTAIN TUBRIDY: Can you put your question in this form? Give the affiant's name, date on which he executed the affidavit, point out the paragraph and page on which the statement appears.

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MR. CONWAY: This is actually an affidavit to which Dr. Laternser referred this morning, rather than reading from it he paraphrazed it.

DR. LATERNSER: I did not speak of this document this morning. I do not even know of it.

MR. CONWAY: I would like to read to you from Affidavit 14, Office of U.S. Chief of Counsel, sworn to by General von dem Bach Zelewski on 27 November, 1945. I would like to turn to page 2 and read from the second paragraph, under section marked numerical 3:

"In 1943 I was appointed Chief of anti-partisan units, a post created for me and in which I was directly subordinated to Himmler. My functions involved close cooperation with the Wehrmacht and the use of Wehrmacht units, since SS and police units would not have sufficed by themselves. The conduct of an operation was always entrusted to that arm - whether Wehrmacht, Waffen SS or Police - which provided most of the troops. The Wehrmacht had charge of most of the operations since it usually provided the greater part of the force. Both participants however had the same experience with the result that Schenkendorff and I always agreed in our reports to Himmler and OKH of the Army."

I now want to turn to Page 3 of theEnglish versionand read: "Moreover the fight against partisans was gradually used as an excuse to carry out other measures, such as the extermination of Jews and gypsies, the systematic reduction of the Slavic peoples by some 300,000 souls, (in order to ensure the supremacy of the German people), and the terrorization of civilians by shooting and looting. The Commanders in Chief with whom I came in contact and with whom I collaborated (for instance, Field Marshals von Weichs, von Kuchler, Boch and Kluge, Col. General Reinhardt and General Kitzinger) were as well aware as I of the purposes and methods of anti-partisan warfare."

I would like to have your statement as to whether or not General Zelewski is correct when he said the military men withwhom he cooperated, among them you, were familiar with the real nature of partisan warfare.

THE WITNESS: No, this opinion is wrong. I maintain the statement I made this morning when I stated we only carried out this partisan warfare to alleviate the difficulties we had and General Von dem Bach,

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insofar as partisan warfare was concerned, never worked with me at all.

BY MR. CONWAY:

Q When you say that youonly carried it out insofar as it was a military necessity, you mean according to your knowledge within your area?

A I speak for myself and my armored army. We have no knowledge of how some of the other Germans might or did carry out the Fuehrer's orders with respect to ruthless extermination of people. I only heard here in the trial that the opinion prevailed that the anti-partisan warfare was only a camouflage for the real point and that is the destruction of Jews and Slavs.

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BY MR. CONWAY:

Q I have here an affidavit No.44, and again I have the German and the English, and again I wish to read it and ask that you read along with me, please. I will skip the first sentence and start at the second sentence.

"Shortly before the beginning of the attack my division received through the channels from the OKH a written order of the Fuehrer. This order directed that Russian Commissars be shot upon capture without judicial process, immediately and ruthlessly. This order extended to all units of the western army."

My question is, General, I assume this is one of the orders to which you took exception, which you refused to carry out, and which you protested.

BY CAPTAIN TUBRIDY:

Q Did you receive such an order?

INTERPRETER: Yes, I had the German.

WITNESS:

A This is the commissar order to which I referred this morning I received and sent to Allenstein.

BY MR. CONWAY:

Q It is your impression, General, that the order extended to all units of the Eastern Army? Let me start over. As far as you know, did this order extend to all units of the Eastern Army, that is, within your official area?

A I don't know to what extent this order was distributed. I do know though it was applied to all of our troops. As far as my two armored divisions were concerned both of them received this order and at the same time were ordered by me not to carry it out.

Q But you told us this morning you did not carry it out, you used as your authority an order of Von Brauchisch that the discipline of the soldier was to be placed above everything. Am I correct or not?

A I don't know whether General Von Brauchisch ordered it at that time. I mentioned General Von Brauchisch's order this morning in respect to the failure concerning the civilian population, which was purely a disciplinary action, and as far as I remember I justified this order by my own personal conviction that this order was not a proper order.

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Q And since this order was not proper, you, as a soldier, felt you were justified in ignoring it, even though you know discipline and unquestioning obedience to your superior officers is necess ry if an army is to function.

A This order demanded of us something that was not right and was, therefore, not executed.

Q By you?

A By myself and my armored group.

Q General, you have told us, going back away, that you noticed no emphasis on offensive training when you were in charge of the operations divisions, in charge of the training program of the army, I think it was in 1936 or 1937, is that correct?

A That is correct. Training was continued exactly as it had been carried out before. No special emphasis was placed on offensive training as long as I was chief of the training de rtment.

Q And you Generals did not think that Hitler as a political leader had in mind an offensive war either, did you?

A There was a preparation for an attack against England. I myself was in charge of the experimental station in the summer of 1940, concerning the different methods of attack to be used against England but I did not believe that these attack intentions were serious ones, and Hitler, who usually concerned himself with everything, especially with technical affairs, did not concern himself with these experiments at all and did not ask me for a report.

Q I think you are misunderstanding me, General, I am referring to the time in 1936 and 1937 when you were command of the training plan in the army, not subsequent to that time.

A At this time no mention was ever made of an attack on England.

Q Or any other country, is that correct?

A That applies to all countries.

Q And as far as you could observe the training program of the army was limited strictly to that military training which was necessary for the protection of Germany?

A Yes.

Q But Hitler was telling you that you were slow in cooperating with the increase of the army, is that correct?

H0975-0131

A That is correct.

Q And he was continually pressing a faster mobilization and larger units?

A As far as we were concerned we did not want to press the increase of the army too quickly because from a training point of view we did not have a sufficient number of officers and non-commissioned officers suitable for training, and therefore wanted to keep the strength down to twenty one divisions.

Q And also you did not want war?

A We did not want war.

Q Did it occur to you that when Hitler was continually urging faster mobilization he might have had something more than the defense of the Fatherland in mind? Please answer that "yes" or "no" if you can?

A No.

Q Thank you. I have one more document from which I wish to read. This is USA PS I. I am sorry, Dr. Laternser, I don't have the German here, but I wish to read from page 813 of that document. It is a secret document report by General von Reichenau, entitled "Conduct of the troops in the Eastern Territories", and I am going to read the first part of it:

"Regarding the conduct of troops towards the Bolshevistic system, vague ideas are still prevalent in many cases, the most essential the aims of war against the Jewish Bolshevistic system, a complete destruction of their means of power and the elements of Asiatic influence from the European culture. In this connection, the troops are facing tasks which exceeds the one sided troop movements. The soldier in the Eastern territories is not merely a fighter according to the rules of the art of war, but also a bearer of ruthless Nazi ideology and the avenger of bestiality which have been inflicted upon the Germans and racially related nations. Therefore, the soldier must have full understanding for the necessity of a severe but just revenge on sub-human Jewry. The army has to aim at another purpose. That is the annihilation of the revolt in the hinterland, which, as experience proves, have always been Jews."

I know that you will not agree with the sentiments expressed here, is that

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correct?

A Completely.

Q But it is claimed that some Generals in the army did hold those sentiments, is that correct?

A I don't know, I believe all other Generals were opposed to it.

MR. CONWAY: Thank you, no further questions.

CAPTAIN TUBRIDY: Thank you. Does the Russian Prosecution have any questions?

COLONEL POKROVSKY: I have a few questions.

BY COLONEL POKROVSKY:

Q Do you know of the order of Hitler which was expressed to the Generals in 1942, the order concerning the fact that all the land had to become as deserts after the German troops left them?

A Does this order concern the destruction to be made on retreating?

A You should answer the questions here.

CAPTAIN TUBRIDY: The witness is asking a question so that he can answer the Russian Prosecutor.

BY COLONEL POKROVSKY:

Q It was suggested in this order from Hitler in 1942 that the German soldiers should take over the Russian wilderness and that these places would not exist any more? In 1937 this was issued as a special order. On the 3rd of December, 1942, Hitler issued a certain order, an order stating that destruction should be given to the Russian forces, and in that order it was ordered that without exception an order should be given to fire the stoves in the houses and they should be blown up, and the order was signed "Adolph Hitler This is from the notes of Mr. Molotov and is USA Exhibit No. 51 presented in the Tribunal.

A I have heard of this order. I do not know whether this order was issued to me by official channels. This order at that time had no significance for me for the simple reason that I was not on the retreat but on the contrary on the attack at that time, and on attack we did not destroy any house and shelter because any means of shelter and any source of fire or stoves played for us a very, very good role in this hard winter.

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Q How did you hear of this order?

A I don't know whether I received it officially or not.

Q I am going to read a few lines from this document: This testimony was given by a nurse to an officer of the 7th American Army. This was a nur Elizabeth Klein in the German army. I don't want to read the whole excerpt but I am going to read just two lines:

"I have in my own eyes seen Russian villages burned down and set on fir by the German soldiers."

This is document 69, do you know of facts like that?

A No, and I don't know to which territory this testimony applies that this nurse had given.

Q To the town of Dnob, in the Leningrad sector.

A I don't know whether this applies to me. To which time do these statements refer?

Q Do you mean when the testimony wasgiven?

A No, I am referring to the time to which the testimony refers.

Q In the beginning of 1943.

A I was not in the vicinity of Dnob at that time.

Q Whether or not you have been there, even in the district of Dnob at that time, I must first ask you if the German army knew that Hitler order of December 1942 and you did not know about that.

A I have already testified that at the time that order was issued my army was on the attack. I believe that this order refers to those districts which we were evacuating.

Q I just wanted to know regarding the facts of this place called Dnob

A I already testified I had heard of this order but I would not have issued this order to my troops even if I had received it and it would not hav applied to us.

Q Do you know of the decree that no prisoners should be taken in the East?

A I heard of this order, but if I remember correctly not until I came to Nurnberg.

Q How and when did you hear of this decree?

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A I believe I heard of it here and the very great number of prisoners we took proves that we did take prisoners.

Q Don't you think even after you heard of this order not to take prisoners that every General himself had to say whether or not he should take or should not take prisoners?

A No.

Q Who guarded the prisoners that were taken to the rear of the army, SS troops or the army troops?

A The prisoners that we took were taken back of our lines by guards taken from our own troops and handed over to the camps. From that point on w had nothing more to do with the prisoners.

Q So before being given over to the camps the prisoners were guarded b your own troops?

A Until they reached the camp they were guarded by members of the army

Q Do you know that while prisoners were being taken to the camp they were shot and that they starved. Do you know of a case like that?

A I do not quite understand your question. We did not shoot any prisoners.

Q Haven't you known a defendant by the name of Rosenberg?

A Yes.

Q I am now going to read to you a few lines from

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the letter that Rosenberg was going to send to the Commander in Chief. It is dated on the 28th of February, 1942, and has been presented in Court as No. 108 PS:

"In this business of war, those who could not go on marching, they being starved and hungry, were shot before the eyes of the terrified population."

Was there an order about that and don't you as an army general knew about that ?

A. No, I don't know anything about it.

Q. Isn't it a mistake to state you don't know anything about a thing like that ?

A. No, and I testify on path that we did not know these things.

Q. Did you know that from the Russian prisoners of war during the winter of 1941-1942 there was taken away from them their warm clothes and their warm uniforms ?

A. The fur boots of the Russians were taken away from them in the winter of 1941 that I know, because our own soldiers too suffered from the cold, and my own soldiers suffered from chill blains and frost bite.

Q. Did you too issue an order to that effect ?

A. I issued no order.

Q. Did you know that those orders were given after the destruction of October 8th ?

A. No, I don't know that.

Q. Were not those orders the result of the iniative of the Commanders ?

A. Commanders of armies probably ordered this in order to care for their own troops and the necessity had probably arisen from conditions as they wer at that time.

Q. Aren't orders of this kind subject to the regular rules of war ?

A. In my opinion this measure was absolutely necessary to help our troops during this winter, and that this order is based on military methods.

Q. So you consider this order justified and correct ?

A. I believe this order militarily justified, that is the way in which it was issued by certain Commanders in Chief.

H0975-0136

Q. I will now read one of these originals and you will answer : do you know of Hitler's edict to exterminate Warsaw ?

A. Yes, I know this order.

Q. And you consider this order as justified and that it is based on military methods ?

A. No, this order had nothing to do with the manner of fighting.

Q. Do you know of the edict to exterminate the population in Moscow ?

A. I have heard of these orders.

Q. Then was this order based on military necessity too ?

A. No.

Q. Don't you know that the edict to destroy Moscow and Warsaw and Leningrad had to be based on military action ?

A. The order to destroy Leningrad and Moscow was out of consideration because we had not taken these cities and as far as Warsaw is concerned I testified previously that this order was given directly to von dem Bach, who was the police general of the Reichsfuehrer SS.

Q. I am not going to argue with you as to whether the orders were given to exterminate these cities, the point is the fact that the German generals knew of that order, those who worked at the headquarters of the general staff ?

A. Yes, as a teacher I knew about it.

Q. What do you know of the German officers who were trained in the warfare against Russia and in Poland and Czecho Slovakia.

A. In the years 1927 to 193k when this existed no mention was made of any intelligence and information work in Poland and Czecho Slovakia, but I had that for two years. I stated Russian officers had been my pupils and were taught by me.

Q. Do you know of the Corps ? in the Sudetenland ?

A. No, I don't know anything of this corps.

Q. Didn't you hear that the officers of this corps came from Germany ?

A. At that time I was a Brigadier Commander and knew nothing of these preparations.

Q. After examination from the transcript of your testimony of yesterday you stated the Germans were against war with Poland and did not want to engage in any further wars ?

H0975-0137

A. No, I knew nothing of this.

Q. Do you mean to say that you don't know of the plan Weiss ?

A. I knew nothing of the plan Weiss and if such orders existed they were not made known to the Commander who were at the front.

Q. Do you mean to say you don't remember the occasion of Gleiwitz. at th railway station ?

A. We learned of the Gleiwitz incident by means of information in the territories where our troops had been assembled but we did not learn of it initially.

Q. How did you happen to find out about this, in what manner ?

A. I don't remember, probably through the intelligence service.

Q. You stated yesterday you did not know anything of the activities of the Einsatzgruppen SD in Russia ?

A. Yes.

Q. We understood from your testimony that this Einsatzgruppe was subject to the higher forces of the SS and the SD ?

A. The SD Einsatzcommandos were under the jurisdiction of the Reichsfuehr of the SS and received their missions directly from him.

Q. Are you sure that you are speaking correctly ?

A. Yes.

Q. Two well known authorities in Europe in speaking about it said they ha to protect the honor of the army, how did it happen that you don't know abou that ?

A. SS troops did not guard the rear areas of the army in the operational districts. I gave the orders to the troops subordinate to me. What you refer to, can only refer, if at all, to areas behind the lines that was not under my command.

Q. But these Einsatzgruppes were fed together with the army ?

A. Yes, if these Einsatzgruppes were in action within our area they were fed by us.

Q. Do you know that these Einsatzgruppes existed ?

A. Yes, I know that.

Q. And the army gave them provisions and clothes them?

H0975-0138

A. They did not give them clothing but they fed them. We did not have any SS clothing.

Q. Do you expect one to believe testimony like that ?

A. No answer.

CROSS EXAMINATION

BY DR. LATERNSER:

Q. You have just now been asked by Colonel Pokrovsky concerning the Einsatzgruppe and I should like to take up here. You stated that you did not know the reason of these Einsatzgruppes ever having been used and it was suggested to you that seemed hardly believable. What do you suppose were the tasks that the SD had been entrusted with ?

H0975-0139

A I do not know in detail anything about the tasks of the SD because as I have already testified the SD adheres to strict secrecy.

Q Didn't you suppose that the SD had the task to guard and keep an eye on the political attitude and opinion of the civilian population of these territories?

A That was partly the task that the SD had.

Q You then said that you had heard concerning the Gleiwitz incident and that you had received your information through news channels. Does that mean to say that you learned of the true relationship and happening of the Gleiwitz incident at that time, that is, that the attack had been provoked by German troops or did you believe, as was said, that it had been carried out by Polish troops.

A There may be a mistake in translation. News channels does not mean military news channels but radio or press, and we heard of this incident after it was supposed to have happened at that time that the attack had been carried out by Poland.

Q That means that the information that you received concerning this incident was the information that you received through ordinary news channels and that any other German heard of?

A We only learned of this news through ordinary channels.

Q And when did you learn of the news concerning the attack on the radio station at Gleiwitz?

A Here in Nurnberg.

Q That event has been sufficiently covered by now. You were then asked by the Russian counsel concerning orders of the extermination of Warsaw, Leningrad and Moscow, and you said in this connection that you had heard of these orders. I shall now sub-divide these orders. First of all concerning Leningrad, do you know that any order was actually issued by Hitler that Leningrad was to be wiped off the face of the earth?

A No.

Q Field Marshal Von Leeb has been interrogated here as the Competent Commander in Chief at that time, and he testified that he never received any such order.

A At the time I attacked Leningrad and later on such an order did not

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exist. I heard of such an order afterwards.

Q That is to say that you had heard of such an order but do you know whether it had actually been issued or not?

A No, I do not.

Q Now concerning Moscow the same is true?

A I only heard of this order from hearsay.

Q And you also do not know whether that order was ever issued?

A No.

Q Now as far as Warsaw is concerned, in order to be quite clear on the point, no order to exterminate or destroy Warsaw was ever given by any military office?

A Never.

Q This order was solely issued by the Reichsfuehrer SS?

A By Hitler or by the Reichsfuehrer SS.

MR. CONWAY: Don't you think we should have had this testimony from the witness? Isn't this a little bit leading?

CAPTAIN TUBRIDY: Beyond that aren't we getting into new matter?

DR. LATERNSER: This is supposed to be redirect examination and we are supposed to cover matters asked about on cross examination.

CAPTAIN TUBRIDY: But aren't you presenting what really amounts to new matter?

DR. LATERNSER: The questions that I am now asking arises out of notes I have taken during the cross examination and I remember distinctly a question by the Russian Prosecutor whether the witness remembered the orders concerning the destruction of Leningrad, Moscow and Warsaw, and I shall try to clarify this point and I hope I shall succeed.

CAPTAIN TUBRIDY: Well, will you try to elicit testimony from the witness rather than have the testimony come from you and then have the witness corroborate it?

BY DR. LATERNSER:

Witness, you were asked by Dr. Kempner concerning the national socialist training of officers of the General staff. How many hours a week of instruction did the officers of the General Staff have approximately?

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A About thirty hours of instruction as such per week.

Q What was the time taken up by this national socialist instruction as you mentioned?

A About one hour a week was assigned to such lectures, but these lectures were of a general political nature and not only on national socialism.

Q Can you mention any tppics that you remember that were treated in this instruction?

A No, after 1933 I no longer had anything to do with this instruction, and, therefore, I cannot give any topic.

Q That is to say that in relation to the entire instruction this sort of instruction took only a relatively small place?

A This instruction, as I have already mentioned during my first interrogation here, would be only for the general political information of the officers of the General Staff.

Q In this connection, you also mentioned the lectures that were held in Bentler Street in answer to a question that Dr. Kempner asked you. What kind of people were in the audience listening to these lectures?

CAPTAIN TUBRIDY: I think that is immaterial. What difference does it ma,e Dr. Laternser?

DR. LATERNSER: Mr. President, I consider this question a very important one for the Prosecution intends to prove the connection of the officers with politics, and wants to draw the conclusion that these officers were really political generals, and, therefore, it is important for me to show who was present at these lectures.

CAPTAIN TUBRIDY: Well, you may go ahead but I think the proof is getting awfully fine at this point.

DR. LATERNSER: I will try to be as brief as possible.

WITNESS:

A Not only officers of the General Staff were in the audience but all kinds of officers, as well as employees of the Ministry of War and officers of the OKW in attendance at these lectures was voluntary.

Q Would you say that these lectures made any special impression on the audience and that they did not impress or influence their general attitude?

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A These lectures usually were liked because members of the party held lectures and also other people, for example, professors of the university.

Q You were asked concerning the entry into the Sudetenland, whether you did not have certain doubts concerning it as the Sudetenland had not previously belonged to Germany, when this entry took place, did you also consider the fact that it was being done with the approval of the Western powers?

A Yes, we even admired Hitler's skill in finding a diplomatic solution of this problem with the Western powers.

Q What rank did you hold at the time of the Sudetenland entry?

A I was a major general.

Q I have only one question concerning the Commissar order: was any one case ever reported to you in which the orders of the commissar decree were applied?

A No.

Q Now who took part in the partisan combat you mentioned in one answer to a question by

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a Prosecutor, that innocent people died durin these partisan combats. I hav not quite understood this. Do you mean to say that the deaths or casualties that took place amon the civilian population had happened in the course of the fightin or that they were beins killed deliberately ?

A. They were casulaties that occurred in the course of the fighting.

Q. An now one question concernin Warsaw. Had Warsaw belonsed to the sector of the army roup Centrd or to the Sector of the Army group Central or to the sector of the Ninth Army t the time the insurgents battle of Warsaw began ?

A. I do not know in what relationship of command authority it stood to the army group, for at the beginnin of these insurgent battles I was not yet Commander in Chief.

Q. And you don't know who was the Commandin Office or authority after the division had been taken over by the Army Group ?

A. Krebs reported to me concernins the conditions of command and authority as Model left suddenly without hadin over his commissi n.

Q. An affidavit, Exhibit No. 14-A, was submitted to you by the Russian Prosecution, at the bottom of page 2 General Brodowski says, and I quote :

"But if all missions likewise as has been the case in the East and the Southeast, a responsible leadership who may have had the carrying out of counter measures according to the individual opinions of the individual commanders. This not orderins or not carryins out the order of a responsible leadership is no more nor less than the cowardly throwins over of a responsibility to subordinate organizations, but if the not carryin out of this order is extended to everybody, it would be an anarchy and a counter measure and in spite of this no clear order is given to the effect, and only this conclusion is possible, and that is that this anarchy has been intended to be carried out by the hi hest leadership."

General von Blaskowitz state here in other words that such chaotic conditions in partisan combat existed because no correspondin orders were issued. My question to you is : Now when was the first regulation concerning a partisan combat issued ?

A. In the summer of 1942 and as far as I remember in June.

Q. When was this partisan combat regulation altered ?

A. In 1944.

Q. That is two regulations were issued and the second regulation cancelled or revoked the first regulation, and even if no second regulation had been issued it still would have been the concern of each individual commander to issue the orders that he saw fit, that is why he is a commander ?

A. Yes.

(The Commission adjourned at 1715 hours).

The foregoing is a true and correct transcript of the testimony of GENERAL OBERST HANS REINHARDT taken on 24 June 1946.

Cook
reporter

Piilani A. Ahuna
reporter

Mabel A. Lesser
reporter

Alice Meehan
reporter

CERTIFIED TO :

Joseph J. Tubridy
Commissioner

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